

20 FEBRUARY 1948

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Friday, 20 February 1948

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE LORD PATRICK,
Member from the United Kingdom of Great Britain and
HONORABLE JUSTICE E. STUART McDOUGALL, Member from the
Dominion of Canada, not sitting from 0930 to 1600;
HONORABLE JUSTICE E. H. NORTHCROFT, Member from the
Dominion of New Zealand and HONORABLE JUSTICE I. M.
ZARYANOV, Member from the USSR., not sitting from
1330 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except UMEZU who is represented by counsel. The
5 Sugamo Prison surgeon certifies that he is ill and
6 unable to attend the trial today. The certificate
7 will be recorded and filed.

8 Following our usual practice we will not sit
9 on Monday, being Washington's Birthday.

10 Do you expect to finish the summation today,
11 Mr. Sutton? There is a statement in the Nippon Times
12 to the effect that you expect to finish today.

13 MR. SUTTON: We expect to complete the HATA
14 summation, the HIRANUMA summation and will be reading
15 the HIROTA summation at the end of the day. That is
16 our anticipated schedule.

17
18 THE PRESIDENT: There is also a suggestion
19 that the Court is going to take three weeks to
20 deliberate. Nuernberg took a month on less than
21 half the amount of evidence. It is the general desire
22 of the Members of the Tribunal that I should state
23 that we don't know how long we are going to take on
24 our deliberations but we will make them as short as
25 we properly can. I am referring now to a reported
statement by Mr. Chief of Counsel. He may have been

1 misreported.

2 Mr. Sutton.

3 MR. SUTTON: I begin on page 13 of the HATA
4 summation, paragraph 23:

5 V. WAR MINISTER - August 1939 - July 1940.

6 DD-23. On 30 August 1939 HATA became War
7 Minister in the ABE Cabinet and when that cabinet was
8 succeeded by the YONAI Cabinet on 16 January 1940
9 HATA continued as War Minister in the YONAI Cabinet
10 until his resignation on 16 July 1940 brought about
11 the downfall of that cabinet.

12 A. HATA Nurtures the Conspiracy.

13 DD-24. When the conspirators in a movement
14 spearheaded by War Minister ITAGAKI and Ambassador
15 OSHIMA with the blessing of Premier HIRANUMA had
16 practically completed the plans for a military alli-
17 ance with Germany, the sudden execution of the non-
18 aggression pact between Germany and Russia fell as a
19 stunning blow. It caused a temporary halt in the move-
20 ment for closer collaboration with the Axis and re-
21 quired preparation for a new method of attack. The
22 HIRANUMA Cabinet fell. On the surface it appeared
23 that the militaristic group was losing ground. The
24 moderate and anti-war forces in Japan seemed to be
25 coming into their own. The long-range designs of the

1 conspirators might be thwarted. This was for them a
2 critical period. At this crucial hour it was HATA
3 who carried their flag. HATA was the sole representa-
4 tive of the militaristic group in the ABE Cabinet.
5 One other -- KOISO -- joined him in the YONAI Cabinet.
6 HATA's conduct during the period that he was War
7 Minister is more reprehensible in that he pretended
8 to be in accord with the policies of the Government
9 in which he was serving while he was at first secretly
10 and later in a less veiled manner working for its
11 overthrow. And when he had gained sufficient strength
12 he boldly wrecked the YONAI Cabinet and brought back
13 into power the militaristic group whose plans were
14 now perfected and who with the added strength of TOJO
15 rapidly set Japan on the road to more and greater wars.

16 1. HATA Appoints MUTO.

17 DD-25. On 30 September 1939, exactly one,
18 month after he became War Minister, HATA appointed
19 MUTO as Chief of the Military Affairs Bureau of the
20 War Ministry. In appointing his co-conspirator to
21 this highly important position HATA not only indicated
22 his approval of MUTO, whom we submit was a prime
23 promoter of Japanese expansion by force, but brought
24 into the inner circles of the Government one who at
25 (DD-25. c. Ex. 118, T. 742.)

1 all times aided HATA in carrying forward the plans for
2 Japanese domination -- the establishment of the new
3 order in East Asia. So closely did HATA and MUTO
4 cooperate that when HATA as War Minister was ques-
5 tioned before committees of the Diet, MUTO would answer
6 for him. ^{b.} TANAKA quoted HATA as having stated that
7 MUTO influenced his resignation as War Minister. ^{c.}

8 There may be question as to the extent to which HATA's
9 appointee and subordinate in the War Ministry, MUTO,
10 could have encouraged HATA in his decision to destroy
11 the YONAI Cabinet, but this does show the close and
12 intimate relationship between these two co-conspirators.

13 DD-26. The defense sought by the testimony
14 of INAMU, Chief of the Personnel Affairs Bureau, to
15 show that he had suggested to HATA the appointment of
16 MUTO after consultation with the departments of the
17 War Ministry in accordance with regular Army procedure. ^{a.}

18 Any favorable inferences from the testimony of this
19 witness were destroyed by his statements on cross-
20 examination to the effect that HATA had authority to
21 recommend for appointment as Chief of the Military
22 Affairs Bureau whomever he desired and that neither
23 HATA nor the Three Chiefs Council were necessarily
24

25 (LD-25. b. Ex. 2243A, T. 16150.

c. T. 15901.)

(DD-26. a. Ex. 3208, T. 28997.)

1 required to follow the suggestion made by this
2 witness in his capacity as Chief of the Personnel
3 Affairs Bureau.

4 B. As War Minister HATA Continues to Wage
5 War in China.

6 DD-27. Throughout his term as Minister of
7 War, the Japanese Army continued its large scale
8 aggressive warfare in China. This carried the complete
9 support and approval of War Minister HATA. The
10 defense sought to prove through SAWADA that HATA was
11 desirous of peace with China and always insisted it
12 was most urgent to bring an end to the China Incident
13 and to that end sought to reduce the strength of the
14 Japanese troops in China, and TANAKA testified that
15 HATA negotiated with Chiang Kai-shek for a peaceful
16 settlement of the China Incident and wanted to bring
17 about peace by the reduction and then withdrawal of
18 all the troops in China. We respectfully submit
19 that HATA's acts were directly opposite to those
20 testified to by these witnesses and that HATA sought
21 to thoroughly crush the Chiang Kai-shek regime and to
22 support by military force the Wang Ching Wei Govern-
23 ment in China. On 23 December 1939 Japanese armed

24 (DD-27. a. Ex. 3205, T. 29,009.
25 b. Ex. 3233, T. 29,411.)

1 forces landed at Lungchow on the southern tip of the
2 China coast near French Indo-China. On 24 December
3 they captured Nanning, the capital of Kwangsi Province.^{c.}
4 On 4 March 1940 the Japanese troops occupied Haichow
5 on the border of Shantung Province.^{d.} On 24 April
6 1940 the Japanese Army recaptured Kaifeng, the capital
7 of Honan Province, and on 12 June 1940 the Japanese
8 armed forces captured Nanchang, their nearest approach
9 to Chungking.^{e.}

10 DD-28. HATA's plan for peace in China en-
11 visioned an utter destruction of the National Govern-
12 ment under Chiang Kai-shek and the setting up of a new
13 regime which would cooperate with Japan in the same
14 manner as Manchukuo. He reiterated these views in
15 hearings before the Budget Committee of the Diet. On
16 22 March 1940 in reply to a question by Committee
17 Member KIRAKAWA, who had cited HATA's previous ex-
18 planation of the object of the China Incident and
19 suggested to HATA that "the Chiang Regime will be
20 utterly ruined", War Minister HATA said:
21

22 "Mr. HIRAKAWA's idea is quite reasonable, and
23 it is unnecessary for me to repeat that the
24 object of the present incident is to establish

25 (DD-27. c. Ex. 256, T. 3451.
d. Ex. 276A, T. 3700.
e. Ex. 256, T. 3451.)

1 a new order in East Asia by thoroughly crushing
 2 the Chiang Kai Shek Government's pro-communistic
 3 and anti-Japanese policies. Therefore, we firm-
 4 ly believe that the establishment of the Wang
 5 regime is only a stage in the Incident and when
 6 the new government is established our Army will
 7 give every possible assistance, especially
 8 military help, to the Wang Regime and their
 9 policy will be firm and unchangeable as ever
 10 until the Chiang regime surrenders."^a (Under-
 11 scoring added)

12 On the same date before the same committee HATA had
 13 previously stated: "Japan is now fighting what one
 14 may call a Holy War."^b

15 DD-29. On 29 April 1940 HATA was decorated
 16 with the First Class Order of the Golden Kite in
 17 recognition of his meritorious services rendered in
 18 the China Affair.^c

19 C. HATA Sponsored and Approved the Wang
 20 Ching Wei Government in China.

21 DD-30. On 1 November 1939 the China Affairs
 22 Board, of which HATA was Vice President,^d outlined
 23 the cardinal points to be followed in the establishment
 24

25 (DD-28. a. Ex. 3832, T. 38015 (DD-30. a. Ex. 106,
 b. Ex. 3832, T. 38018) T. 701)
 (DD-29. a. Ex. 106, T. 703)

1 of the new regime in China. b. It provided that first
2 of all that "main component people of the new Central
3 Government" should be made to understand what was
4 desired and demanded by Japan and that the Central
5 Political Conference should be so directed that there
6 would be no conflict between what was desired and
7 demanded by Japan "and that will be resolved by the
8 Chinese side." The Japanese side would determine
9 both the formation and the time of the establishment
10 of the new Central Government and the political creed
11 and policies of the new Central Government should in-
12 clude such principles for the readjustment of the new
13 relationship between Japan and China as the desires
14 of Japan might dictate -- nothing contradictory to
15 Japan's desires. It further determined "concerning
16 the adjustment of the new relationship between Japan
17 and China after formation of the Central Government
18 and before the establishment of the new Central Govern-
19 ment, the leading figures of the Government shall make
20 a firm pledge to the Japanese side." c. In short, the
21 new Government in China which HATA was sponsoring would
22 be puppet in character, subservient toward the views
23 of Japan and would aid HATA and his co-conspirators
24 (DD-30. b. Ex. 3745, T. 37,398.
25 c. Ex. 3745, T. 37,400.)

1 in destroying the National Government of China under
2 Chiang Kai-shek and fit China into the scheme for
3 the establishment of a new order in East Asia.

4 DE-31. To this new Government HATA pledged
5 the full support of Japanese military might. He was
6 quoted by a member of the Budget Committee of the Diet
7 as having stated that "when the Wang Regime is estab-
8 lished, the Army must render as much military help
9 as possible to the newly born Central Government."^{a.}

10 And at the same session before the Budget Committee,
11 22 March 1940, HATA said: "Our Army will give every
12 possible assistance, especially military help, to the
13 Wang Regime."^{b.}

14 DD-32. The tentative plan for the establish-
15 ment of the new Government in China was prepared by
16 the China Affairs Board while HATA was Vice President
17 and finally approved by both the Japanese and those
18 with whom they were dealing in China on 30 December
19 1939.^{c.} and on 30 March 1940 the new Government under
20 Wang Ching Wei was formally established at Nanking.^{b.}

22 D. HATA Spurned the Nine-Power Pact.

23 DE-33. In his interrogation ^{a.} HATA stated

24 (DD-31. a. Ex. 3833, T. 38,019.

b. Ex. 3832, T. 38,021.)

25 (DD-32. a. Ex. 2721A, T. 23998-24,000

b. Ex. 276A, T. 3701.)

(DD-33. a. Ex. 256, T. 3451.)

1 that he had studied international law in the War
2 college and that he knew of the Nine-Power Treaty,
3 and when asked whether or not he considered the waging
4 of war in China a violation of this treaty, he replied
5 evasively that "There seemed to be no other way out
6 but to resort to armed force when other means failed."
7 Not only does his entire attitude towards the China
8 Incident and all of his actions in connection there-
9 with show an utter disregard for this treaty but he
10 publicly expressed his views as War Minister that
11 the existence of this treaty should not be permitted
12 to impede the carrying out of Japanese military
13 operations in China.

14 DD-34. The defense sought to establish by
15 the witness ARITA that HATA respected the Nine-Power
16 Pact. ARITA, the Foreign Minister in the YONAI Cabinet,
17 testified^{a.} that it was a common agreement between
18 the Prime Minister and the Foreign, War and Navy
19 Ministers to loyally and faithfully observe the
20 provisions of the Nine-Power Pact in relation to
21 China^{b.} and he specifically denied that HATA ever
22 stated that the Nine-Power Pact should not be permitted
23 to interfere with the military operations of Japan in
24

25 (DD-34. a. T. 28991
b. T. 28991)

1 c. China. Evidence was introduced in rebuttal which
 2 directly disproved the testimony of ARITA and showed
 3 that HATA not only made the very statement attributed
 4 to him but made it before a committee meeting of the
 5 Diet at which ARITA was present and made answers to
 6 questions asked by members of the committee.^{d.} When
 7 ARITA was asked by Committee Member KUBOI at a meet-
 8 ing of the Budget Committee on 7 February 1940 the
 9 position of the government with regard to the Nine-
 10 Power Treaty, KUBOI suggested to him, "It is needless
 11 to say that this Nine-Power Treaty is a serious
 12 obstacle both in the settlement of the Incident and
 13 in future wars." ARITA evaded the question and made
 14 an ambiguous reply stating that on the one hand it
 15 could be said that the renunciation of the treaty
 16 would be favorable in the establishment of a new order
 17 in East Asia, but on the other hand, the renunciation
 18 might cause repercussions and that he thought it was
 19 a problem which required careful deliberation. When
 20 on that day the same question was addressed to War
 21 Minister HATA he replied that "We should follow the
 22 Government's policy."^{e.}
 23

24 DD-35. That such an equivocal position with
 25 (DD-34. c. T. 28991.
 d. Ex. 3832, T. 38013
 e. Ex. 3833, T. 38025; 28974-9.)

1 regard to the Nine-Power Pact did not properly rep-
2 resent HATA's views was fully disclosed some six weeks
3 later ~~when~~ on 22 March 1940 before a meeting of the
4 Budget Committee, HATA was asked directly a question
5 concerning the Nine-Power Pact. I quote the question
6 and HATA's reply.

7 INADA Committee Member.

8 "The fourth is a question concerning the Nine-
9 Power Treaty. The Minister of Foreign Affairs
10 has not yet expressed his decisive opinion on
11 the abrogation of the treaty. It was his
12 answer that deep consideration was necessary
13 in regard to the time and the way of abrogating
14 the treaty, for in some circumstances, it may
15 end in good results, and in others, bad. How-
16 ever, this is also a very important diplomatic
17 problem, and it is far from my intention to
18 trouble the Minister of Foreign Affairs for his
19 further answer unnecessarily. But I think this
20 Nine-Power Treaty is the origin of many obstacles
21 in the management of the China Incident. We may
22 be victorious in every battle we fight, but as
23 long as such a big diplomatic strong point
24 bars our way, it is indeed a matter of undying

25 (DD-35. a. Ex. 3832, T. 38015-18)

1 regret for our people and a source of deepest
2 chagrin. It is hoped that our Government will
3 take into consideration the root and branch of
4 the matter and its importance, and act so as
5 not to make any mistakes. Otherwise though an
6 army of a million strong may be sent to the
7 front and a million tons of warships be launched,
8 it would, in fact, be very difficult to attain
9 the object of this war. Such being my opinion,
10 I should like to hear the opinions of the two
11 ministers in charge of military affairs, on the
12 Nine-Powers Treaty from the tactical point of
13 view, so as to make sure whether these two min-
14 isters who are the representatives of the Army
15 and Navy, think the attitude of the Minister of
16 Foreign Affairs towards the treaty inevitable,
17 owing to circumstances."
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HATA the State Minister.

1 "I should say that it is a matter of course for
2 the Army to follow the Policy of the Government
3 in dealing with the Nine-Powers Treaty, but as
4 I am now questioned on it, I would like to give
5 my personal opinion on the subject. The insulting
6 and anti-Japanese policy of the Chiang Kai-shek
7 Regime induced this present incident. In order
8 to correct this misguidance and to bring about
9 everlasting peace in East Asia, Japan is now
10 fighting what one may call a 'Holy War.' There-
11 fore, I believe that the present incident is of
12 course beyond the scope of the Nine-Powers Treaty.
13 Quite apart from its appreciability, the treaty
14 still exists at present, but I do not think that
15 the carrying out of our military operations ought
16 to be restricted by the existence of this treaty.
17 I also think that the Foreign Minister knows
18 quite well that the general circumstances of
19 East Asia at present are radically different
20 from that of the time the treaty was concluded."

21 (Underscoring added)

22 LD-36. These words of HATA were reassuring
23 to Germany and on the following day, 23 March 1940,
24 Ott telegraphed to the Foreign Office reporting a
25

1 stiffening of Japanese attitude toward England and
 2 America and continued "Noteworthy is the report of
 3 strong words by the spokesman of the Army in the Diet
 4 and statements by the War and Navy Ministers that Japan's
 5 progress in China could not be stopped by the obsolete
 6 Nine-Power Treaty."^{a.}

7 E. HATA Favors Advance into French Indo-China.

8 DD-37. While HATA was War Minister Japan
 9 continued to increase the pressure on French Indo-
 10 China; its railroads were bombed and, even though the
 11 excessive demands of Japan on French Indo-China were
 12 reluctantly acceded to, plans were made for military
 13 advance into that country. On 5 February 1940 the
 14 French Ambassador protested for the second time the
 15 bombing of the Yunan Railway, as a result of which
 16 40 people were killed (including five Frenchmen) and
 17 84 were wounded. On the same day the Japanese Govern-
 18 ment insisted to the French Government that the use
 19 of the Yunan Railway for shipment of supplies which
 20 reached Chiang Kai-shek must be stopped and that until
 21 this was done the bombing of the railway would not
 22 cease.^{a.} On 4 April 1940 Japan again bombed the Yunan

23 Railway in French Indo-China.^{b.}
 24

25 (DD-36. a. Ex. 514, T. 6148-50)

(DD-37. a. Ex. 618-A, T. 6857

b. Ex. 276-A, T. 3701; Ex. 618-A, (p.3) 6822)

DD-38. 17 June 1940 France surrendered.^{a.}

DD-39. On the day following the surrender of France a Four Ministers' Conference was held which HATA attended in which two plans were submitted regarding the French Indo-China situation: (1) that a request be submitted regarding the pro-Chiang actions and if refused by the French that force be employed, and (2) that force be immediately employed without negotiation. The military ministers wanted the first plan and it was adopted.^{a.} On the next day, 19 June 1940, strong representations were made to France by Japan to prohibit materials for the Chungking Regime from passing into Indo-China and it was demanded that Japanese inspectors be permitted to make investigations of the actual conditions on the spot.^{b.} This was HATA's attitude toward a prostrate France.

DD-40. On the same day, 19 June 1940, Ott reported to the German Foreign Office that Japan had authorized its Ambassador in Berlin to congratulate Germany on its recent successes and to point out the interest of Japan in the fate of Indo-China and the suggestion that a German declaration be issued that Japan would receive a free hand in Indo-China. Ott also

(DD-38. a. T. 6148)

(DD-39. a. Ex. 619, T. 6824

b. Ex. 615-A, T. 6796)

1 reported that confidential information from army cir-
2 cles informed him that Japan was contemplating the
3 occupation of the strategically important Yunnan Rail-
4 way.^{a.} The demands of the Japanese military author-
5 ities were acceded to. On 20 June 1940 the French
6 Ambassador notified the Japanese Vice Foreign Minister
7 that due to the repeated representations of the Jap-
8 anese Government, France had decided to prohibit the
9 transportation of a wide range of materials and goods
10 through French Indo-China into China. The official
11 report adds that the route is one of the important
12 routes over which war materials were supplied to
13 Chungking and it had been entirely severed.^{b.} On 22
14 June 1940 Japan proposed to France (1) that military
15 experts and Foreign Office officials be sent from Japan
16 into French Indo-China to make an inspection concern-
17 ing the suspension of the transportation of supplies,
18 (2) that an advance party of Japanese army and navy
19 officers should be sent to French Indo-China, and
20 (3) that, pending the determination by Japan of the
21 materials which it would request the French Indo-China
22 authorities to prohibit from being transported to China,
23 they should continue a complete blockade of the frontier
24

25 (DD-40. a. Ex. 520, T. 6162-4
b. Ex. 615-4, T. 6797)

between French Indo-China and China. A helpless France
 1 accepted those demands.^{c.}

2 DD-41. On 24 June 1940 Ott reported to the
 3 German Foreign Office that KOISO had inquired what
 4 would be Germany's attitude toward Japan's military
 5 moves in French Indo-China and part of the Netherlands
 6 East Indies and that MUTO had declared that Japan was
 7 very much interested in Indo-China.^{a.} On 29 June 1940
 8 a Japanese observation party headed by Major General
 9 NISHIHARA and consisting of 40 officials of the Army,
 10 Navy, and Foreign Ministries arrived at Hanoi.^{b.} The
 11 Japanese militarists were moving south. HATA and MUTO
 12 were working in close harmony.
 13

14 DD-42. As further evidence that plans for
 15 the southern advance were even then in the making the
 16 Japanese Government on 12 January 1940 notified the
 17 Netherlands Government of the abrogation of the treat-
 18 ies of the Judicial Settlement, Arbitration and Concil-
 19 iation made between them on 12 August 1935.^{a.} On 20
 20 May 1940 the Japanese Government made strong demands
 21 on the Netherlands for materials to be exported from
 22 the Netherlands East Indies;^{b.} thus the government of
 23

(DD-40. c. Ex. 618-A, T. 6851-2)

24 (DD-41. a. Ex. 523, T. 6174

b. Ex. 618-A, T. 6853)

25 (DD-42. a. Ex. 1307-A, T. 11768; T. 11770

b. Ex. 1309-A, T. 11777; 11788)

1 which HATA was a member was moving towards the Neth-
2 erlands East Indies. Its demands would increase and
3 when the Netherlands failed to comply the answer was
4 war.

5 F. HATA Favored the New Political Structure -

6 I.R.A.A.

7 DD-43. Despite the testimony of YONAI that
8 HATA avoided politics,^{a.} we respectfully submit that it
9 clearly appears from the evidence that HATA was in favor
10 of the dissolution of political parties in Japan to the
11 end that the army could maintain a closer control over
12 the government. When HATA was questioned before a sub-
13 committee of the Diet on 19 March 1940 as to the Army's
14 attitude toward political parties and the participation
15 of the army in politics, his appointee and close asso-
16 ciate, the accused MUTO, replied on behalf of War Min-
17 ister HATA that the army favored the dissolution of po-
18 litical parties certainly in so far as they sought to
19 further their interests, and referring to totalitarian-
20 ism of European conception MUTO said that "Nationalism"
21 is considered a better name for the guiding principle
22 of the Japanese nation; that Japan's totalitarianism
23 was completely nationalistic in faith and principle.^{b.}
24 YONAI stated in his interrogations which were introduced
25

(DD-43. a. Ex. 3198, T. 28919
b. Ex. 2243-a., T. 16150)

1 in rebuttal^{c.} that HATA and the military circles consid-
2 ered his cabinet a weak one for two reasons, the first
3 of which was that the cabinet on the whole did not
4 support the creation of the Imperial Rule Assistance
5 Association. YONAI stated that he was opposed to the
6 creation of the IRAA because this association had the
7 aim of establishing a fascist regime in the country
8 on the same lines as in Germany and because such an
9 organ as the IRAA "meant the establishment of a dic-
10 tatorship in the country where the Parliament instead
11 of being the organ of deliberation of questions would
12 become an organ where the members simply vote for and
13 applaud any new measure demanded by a dictatorship."
14 He further testified that the leading military circles
15 insisted on the creation of the IRAA, and when asked
16 the most influential persons in military circles at
17 that time he replied, "War Minister HATA, Chief of
18 Military Affairs Section in the War Ministry, MUTO,
19 and Chief of the General Staff, SUGIYAMA," and that
20 these three had expressed dissatisfactions with the
21 policy of his cabinet. It further appears that on 9
22 July 1940 HATA was seeking to persuade Premier YONAI
23 to cooperate with the new domestic organization, which
24 was none other than the IRAA.^{d.}
25

(DD-43. c. Ex. 3831-A, T. 38,000

d. Ex. 3199-A, T. 28941)

(p.4 of the exhibit not read into the record)

G. HATA Sponsored the New Order in East Asia.

1 DD-44. HATA as War Minister repeatedly stated
2 that one of the objects of the China Incident was the
3 establishment of a new order in East Asia. He also
4 indicated that the overall plans included more than
5 China and Manchukuo for he repeatedly stated in hear-
6 ings before committees of the Diet that "The estab-
7 lishment of the new regime is only a stage of the Inci-
8 dent," and added, "It is a great mistake to take the
9 establishment of the new regime as the accomplishment
10 of the Incident, and I am sure such misunderstandings
11 will never arise." Obviously he had in mind other
12 actions to be taken by Japan similar to that then being
13 carried on in China. He said before a committee of the
14 Diet on 22 March 1940:^{a.} "I think it is necessary to
15 impress deeply on the minds of our nation that the es-
16 tablishment of the new regime is only a stage in the
17 Incident and that we must undergo many more difficul-
18 ties in the future in order to accomplish the object
19 of the Incident." In reply to a question as to Japan's
20 future policy, before the same committee of the Diet,
21 on the same date, HATA revealed what was in his mind
22 when he said, after referring to the various blocs,
23 "But as for us, in order to settle the Incident, there
24 (DD-44. a. Ex. 3832, T. 38,021-2)
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1 will be no change in our policy, which is to concen-
2 trate all our ability to exclude any third power which
3 would persistently interfere with the establishment of
4 the new order in East Asia." ^{b.}

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23 (DD-44. b. Ex. 3832, T. 38,022-3)
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tH. HATA Favored Collaboration with Germany.

DD-45. As mentioned before, the plans which the conspirators had all but perfected during the HIRANUMA Cabinet for a military alliance between Japan and Germany were shattered when the nonaggression pact was signed between Germany and Russia, and the HIRANUMA Cabinet fell. HATA, the representative of the militarist group in the cabinet, shared in this regard the views of his predecessor, ITAGAKI, and continued to work, quietly at first, then more openly, for closer collaboration between Japan and Germany. Events then taking place in Europe caused the conspirators to be all the stronger in their desire to cement the axis relationship. On 1 September 1939, Germany invaded Poland.^{a.} Four days later HATA and his predecessor as War Minister, the accused ITAGAKI, made speeches at the reception tendered by ITAGAKI to the German military and naval attaches.^{b.} Ott reported, "ITAGAKI pointed out his most sincere efforts on behalf of a close German-Japanese connection, which had failed as a consequence of European developments. Emphasized that his successor shared his views completely. HATA referred to the Japanese Government's nonintervention declaration, but emphasized that he

DD-45. a. T. 6148. b. Ex. 2198, T. 15744.

1 himself as a soldier had full understanding of the
2 German action." On 23 March 1940 Ott reported a
3 stiffening of Japan's attitude toward England and
4 America and that the friendly relations existing
5 toward the Axis powers were being emphasized in
6 Japan.^{c.}

7 DD-46. The defense sought to prove by
8 ARITA,^{a.} and by YONAI,^{b.} that HATA was opposed to the
9 Tri-Partite Pact. On cross-examination YONAI was
10 asked concerning statements made in his interroga-
11 tion on 15 May 1946 and denied them. In rebuttal
12 his interrogation was introduced in evidence,^{c.} from
13 which it appears that YONAI had, on 15 May 1946,
14 replied to a question as follows: "Q. What point of
15 view concerning the conclusion of a military alliance
16 between Japan and Germany did HATA, Shunroku support?
17 A. HATA, Shunroku thought that the conclusion of a
18 treaty between Japan and Germany at that time would be
19 advantageous to Japan." In his interrogation YONAI
20 further stated that the military circles were, during
21 the time of his cabinet, demanding the conclusion of
22 an alliance with Germany, and that there were

23 DD-45. c. Ex. 514, T. 6148.

24 DD-46. a. Ex. 3200, T. 28945-6.

25 b. Ex. 3198, T. 28917.

c. Ex. 3831, T. 38000-1.

1 misunderstandings between himself and War Minister
 2 HATA, "and they all boiled down to the point that
 3 the cabinet being weak could not carry out the active
 4 war policy on which military circles insisted."^{d.}

5 YONAI said there were two reasons why HATA and the
 6 military circles considered his cabinet a weak one:
 7 (1) Because he did not support the IEAA, and (2)
 8 because he did not support the building up of an
 9 alliance between Germany and Japan, and that the
 10 most influential persons in military circles at that
 11 time were HATA, HUTO, and SUGIYAMA, each of whom
 12 expressed dissatisfactions with the policy of his
 13 cabinet.^{e.}

14 DD-47. France surrendered 17 June 1940,^{a.}
 15 and there was a surge of sentiment to align Japan
 16 with victorious Germany. KONOYE in his memoirs wrote:^{b.}
 17 "In the spring of 1940, however, when the overwhelming
 18 military strength of Germany had swept across Western
 19 Europe and threatened, as it appeared, the existence
 20 of Great Britain, the question of a Tri-Partite
 21 military alliance again became a nationwide topic of
 22 great popularity. . . . When I was honored with an

24 DD-46. d. Ex. 3831-A, T. 38000-1.

e. Ex. 3831-A, T. 38001-4.

25 DD-47. a. T. 6148.

b. Ex. 2735A, T. 24291.

1 Imperial Command to form a cabinet for the second
2 time, anti-Anglo-Saxon sentiments and enthusiasm
3 for a Tri-Partite Alliance were at their height,
4 especially among the military circles and some groups
5 of the people among the nation." Even the YONAI
6 Cabinet could not entirely withstand this pressure
7 following the fall of France, and the cabinet in-
8 dicated its willingness to belatedly undertake
9 further collaboration with Germany. It proved,
10 however, as we shall hereafter point out, to be too
11 late to save the cabinet, for the militarists, aided
12 by HATA, wanted action and wanted it fast, and above
13 all, did not wish the YONAI-HATA Cabinet to gain
14 credit for the successful conclusion of a policy
15 which they had previously opposed.

16 DD-48. On 8 July 1940, the Japanese special
17 envoy in Berlin, SATO, in a conference with Von Rib-
18 bontrop,^{a.} congratulated Germany on its victory over
19 France and stated that just as in Europe the new
20 order would be brought about by Germany, Japan, on her
21 part, had been exerting herself for three years to
22 establish a new order in the Far East and in the
23 South Seas. This conference had been held by in-
24 structions of the Japanese Foreign Office for the
25 DD-48. a. Ex. 524, T. 6179.

1 purpose of strengthening the coalition between the
2 two countries, ^{b.} and the results of this conference
3 were reported to the Japanese Foreign Office. There-
4 upon a plan for coalition between Japan and Germany
5 was prepared by the Japanese Foreign Office and pre-
6 sented to a joint conference of the representatives
7 of the War, Navy, and Foreign ministries on 12 July
8 1940. This plan provided that Germany would recognize
9 Japan's sphere of influence and political leadership
10 in French Indo-China and the Dutch East Indies and
11 South Seas and that Germany would give proper support
12 for the disposal of the China Incident, that Japan
13 would take steps to check Britain in East Asia and
14 facilitate her surrender and that Japan and Germany
15 would contrive the fall of British influence by the
16 partition of her colonies. ^{c.} The final draft of the
17 agreement was approved at a meeting of the representa-
18 tives of the War, Navy and Foreign ministries held on
19 16 July 1940, the very day that the YONAI Cabinet
20 resigned. When asked on cross-examination about the
21 conference between SATO and Von Ribbentrop held by
22 direction of the Japanese Foreign Office while he
23 was Foreign Minister, ARITA was extremely vague and
24 DD-48. b. T. 28956-68.
25 c. T. 28922-5.

1 diplomacy of the status quo and the policy of the
 2 YONAI Cabinet prior to the fall of France had been
 3 the policy of the status quo. HATA and the army
 4 circles were demanding action. German victories and
 5 the German-Italian-Axis control of Europe were causing
 6 HATA and the military clique to boldly increase their
 7 demands for a change in Japanese foreign policy toward
 8 collaboration with the Axis and to support the new
 9 political movement fashioned along totalitarian

10 lines.^{a.} While the YONAI Cabinet indicated that it
 11 might be inclined toward rapprochement with the Axis,^{b.}
 12 it did not indicate that it would support the new
 13 political order -- the IRAM.^{c.} In addition, HATA

14 and his group, doubtful of the extent to which the
 15 YONAI Cabinet would go in joining the Axis, in no
 16 event wanted this cabinet to strengthen its position
 17 by obtaining credit for a new foreign policy of
 18 collaboration with the Axis which it had previously
 19 opposed.^{d.}

20 The breach between HATA and the ARITA-
 21 YONAI Cabinet, of which he was a member, was widened
 22 with the controversy which arose over the advance
 23 notice of a speech to be made by ARITA and the actual

24 DD-50. ^{a.} Ex. 3199A, T. 28941 (pp. 1-3).

^{b.} Ex. 524, T. 6179; Ex. 427, T. 6191; Ex. 528,

^{c.} Ex. 3808A, T. 37862. T. 6212.

^{d.} Ex. 531, T. 6239.

1 broadcast made by ARITA on 29 June 1940.^{e.} Follow-
 2 ing this in quick succession, HATA urged YONAI to
 3 support KONOYE and the new political structure.^{f.}
 4 Obtaining no satisfaction, HATA first suggested and
 5 then in a formal note presented to Premier YONAI on
 6 14 July 1940^{g.} demanded that the Cabinet resign.
 7 When YONAI did not yield to this demand, HATA on
 8 16 July 1940 resigned. When asked by YONAI to name
 9 a successor as War Minister, HATA refused, telling
 10 him that there was no one who would accept for "the
 11 entire army is absolutely opposed to your views."^{h.}
 12 HATA had accomplished his purpose; he had wrecked the
 13 YONAI Cabinet. Later the same day (June 16, 1940)
 14 the YONAI Cabinet resigned. We shall now discuss
 15 these several steps in somewhat more detail.
 16

17 1. ARITA Broadcast.

18 DD-51. The newspapers carried a story which
 19 purported to be based on advance information from the
 20 Foreign Ministry of a speech which Foreign Minister
 21 ARITA proposed to make the latter part of June calling
 22 for a more active foreign policy and collaboration

23 DD-50: e. Ex. 3199A, T. 28941 (p. 3); Ex. 530, T. 6238;
 24 Ex. 531, T. 6239; Ex. 529, T. 6233.
 25 f. Ex. 3199A, T. 28941.
 g. Ex. 3199A, T. 28941.
 h. Ex. 3199A, T. 28941 (p. 5); Ex. 532, T. 6240-8.

with the Axis. ARITA in a broadcast on 29 June 1940^{a.} mentioned that Japan did not expect the western powers to assert "any undesirable influence upon the stability of East Asia" but made no reference to collaboration with the Axis. The press then reported that it was the influence of the military, of which HATA was the head, that prevented ARITA from making the speech as planned. This caused a furor^{b.} between the Foreign and War ministries.

DD-52. Ott reported to Berlin on 1 July 1940 with regard to ARITA's radio speech on 29 June 1940,^{a.} that protests of the army forced the original text to be "substantially mutilated." He also reported, and this is particularly pertinent to HATA, "The growing influence of the army also results from the stronger military attitude towards Hong Kong and Indo-China." Ott reported again on 3 July 1940:

"... the Foreign Minister intended to stress in his radio speech that the present government has never deviated from the Axis policy, and has always had full sympathy for the German demand for a New Order in Europe, so much the more since Japan herself is striving for a New Order in Asia. The

DD-51. a. Ex. 529, T. 6233; b. Ex. 530, T. 6238;
Ex. 531, T. 6239; Ex. 3199A, T. 28941.
DD-52. a. Ex. 530, T. 6238.

1 government is determined to consolidate Axis friend-
2 ship. The army protested against this attitude on
3 the grounds that in reality the above policy of
4 sympathy for the Axis is not compatible with the
5 policies hitherto pursued by the cabinet and because
6 the army wanted to avoid the YONAI-ARITA Cabinet
7 using a sudden stress of friendship with the Axis
8 as a chess move to take the wind out of the sails of
9 the opposition, which is close to us, and to save
10 its own existence.

11 "The action of the Press Chief of the
12 Foreign Ministry, who disclosed the original text of
13 ARITA's speech to 'ASAHI' and announced the army's
14 protest publicity in a press conference, caused
15 great indignation in army circles." ^{b.}

16 2. The Leading Article on Fall of the YONAI
17 Cabinet.

18 DD-53. Meetings were held between ARITA and
19 HATA and announcement made to the public that the
20 breach had been healed. The essence of the problem
21 had not been settled. The authoritative article on
22 liquidation of YONAI-ARITA diplomatic policy carrying
23 a full account of the events which led up to and
24 DD-52. b. Ex. 531, T. 6239.
25

caused the fall of the YONAI Cabinet, published
1 17 July 1940, in the Tokyo 'ASAHI Shinbun,'^{a.} was not
2 read in full into the record, only the letter delivered
3 by War Minister HATA to Premier YONAI on 14 July 1940
4 having been read into the record by the witness YONAI
5 on cross-examination.^{b.} After tracing the increasing
6 opposition to the YONAI-ARITA diplomacy on the part
7 of HATA and the army circles because of their failure
8 to collaborate with the Axis and the dissatisfaction
9 with their internal policy because of their failure
10 to support the IRAA, it states "The direct cause for
11 the collapse of the YONAI Cabinet under such circum-
12 stances was War Minister HATA's strong attack."^{c.}
13 After outlining the circumstances surrounding ARITA's
14 broadcast of June 29 and the reports that the text had
15 been changed as the result of army pressure, the
16 article continues:
17

18 "However, the essence of the problem had not
19 been settled. Due to their contention that even if
20 the foreign policy is changed, it would be impossible
21 for the YONAI-ARITA Axis to carry out the changed
22 diplomacy and that the change would only represent a
23 'Shift' in form, the military circle strongly continued
24

25 DD-53. a. Ex. 3199-A, T. 28941.

b. T. 28939-40.

c. Ex. 3199-A, T. 28941-63.

1 to demand the immediate establishment of the new
2 political organization with the resignation of the
3 YONAI Cabinet, and the promotion of the changed policy
4 by the new organization. Thus the movement for the
5 appearance of Prince KONOYE who is the leader of the
6 new political organization, grew stronger.

7 "In view of the situation within the
8 department, War Minister HATA, after having an inter-
9 view with both Generals TERAUCHI and SUGIYAMA, old
10 military senior heads, on the 7th and 8th, decided
11 generally on measures to be taken as the War Minister.
12 And on the 9th he met the Premier in the Cabinet
13 meeting and indirectly expressed his intentions by
14 saying, 'How about thinking about cooperating with
15 the new domestic organization?' To this statement
16 by the War Minister, Premier YONAI replied, 'with
17 the domestic situation as it is, perhaps I may have
18 to think about it,' and thus expressed agreement for
19 the time being.
20

21 "War Minister Presents a Strong Vote.

22 "Subsequently, on the 11th, MUTO, Chief of
23 Military Affairs Bureau, called on ISHIWATA, Cabinet
24 Secretary General, explained to the latter in detail
25 the intention of the army, amplifying the intention of
the War Minister. Later, War Minister HATA, on the

evening of the 14th, presented to Premier YONAI an
important advice in writing. The note was very clear,
and the content is as follows:

"The present conditions are such that we
are facing the greatest transition phase of world
situation, and the strengthening of the domestic
organization, and the reformation of the foreign
policy have become the most pressing of all our work.
However, the government is doing nothing, and it
seems that it is idly losing an opportunity which
will never come again. In this way it is even
blocking the complete settlement of the incident.
Therefore, at this time, in order to give the people's
minds a change, and promote the establishment of the
new organization, from a broad point of view, how
about deciding to have the cabinet resign?"

"The foregoing had an effect of a dagger
pointing at the heart of the present cabinet. On the
following day, the 15th, War Minister HATA had con-
sultations also with Prince KAN-IN, the Chief of the
Army General Staff. As a result, War Minister made a
final decision. Premier YONAI, however, had an alto-
gether different view from the army as regards the
situation, and with the intention of taking charge of
the political situation with the present organization

1 to the last, made the following demand on the 16th
2 at 9:50 a. m. at the cabinet meeting when he met the
3 War Minister:

4 "My views are absolutely opposite from those
5 of the War Minister. There is no need for a new organ-
6 ization. As long as you cannot agree with my views, I
7 want you to tender your resignation, and want you to
8 recommend the succeeding War Minister."

9 "Thereupon War Minister HATA tendered the
10 resignation which had already been prepared, and
11 returned to the Official Residence of the War Minister
12 for the time being. He then opened the conference of
13 the Three Army Chiefs (T. N. RIKUGUN SAN CHOKAN) and
14 the Conference of Supreme War Councilors in succession.
15 After deliberations, the War Minister again returned
16 to the Premier's Official Residence at 3:30 p. m.,
17 and met the Premier and made a clear-cut reply as
18 follows:

19 "I conferred with the three army chiefs,
20 recommended the succeeding war minister and negotiated
21 for their acceptance. But under the present circum-
22 stances, they had no mind to accept it. The entire
23 army is absolutely opposed to your views."

24 "Thus the lifeline of the present cabinet was
25 severed, and the YONAI Cabinet resigned a half year

after its formation." (Underscoring added)

3. KIDO's Account of the Fall of the YONAI Cabinet. DD-54.

The accused KIDO wrote in his diary that on 8 July Vice Minister ANAHII stated to him as follows:

"... the character of the YONAI Cabinet is not at all suitable for making negotiations with Germany and Italy and it might even cause a fatal delay. The conclusion is that a cabinet change is inevitable in order to face this grave situation. The army unanimously will support Prince KONOYE's candidacy. Upon meeting Prince KONOYE after his return to Tokyo, the War Minister will take the opportunity to submit an important proposal to Premier YONAI."

And that on 16 July Chief Cabinet Secretary ISHIWATA had telephoned him:

"War Minister HATA met Premier YONAI after 9:00 a. m. this morning and submitted his resignation. When told by the Premier to produce a successor, he replied that an answer may be expected by evening and left."

The Three Chiefs Conference of which HATA was a member refused to recommend a successor. Later on the same day, 16 July, having talked with Premier

DD-53. a. Ex. 2199A, T. 28941.

DD-54. a. Ex. 532, T. 6243. b. Ex. 532, T. 6244-5.

1 YONAI, KIDO wrote that the Premier assembled all the
2 members in the cabinet meeting room and expressed his
3 decision to resign en bloc. "At this, War Minister
4 HATA scowled, but straightway stood up and made a
5 speech." ^{c.}

6 DD-55. At a meeting of the President of
7 the Privy Council and former premiers held on 17
8 July 1940 to select a new premier, KIDO when asked by
9 President HARA of the Privy Council the reason for
10 the resignation of the YONAI Cabinet replied:

11 "I don't know the details but the gist of
12 what I learned of the situation from Premier YONAI
13 yesterday at HAYAMA is as follows: The army thinks
14 that the present cabinet is not adequate to carry out
15 a policy which will suit the present ever-changing
16 world situation and which will not be regretted later.
17 It seems to show also a tendency to favor a political
18 rapprochement with Germany and Italy. It also feels
19 that even in domestic affairs the government, being
20 separated from the people, will be unable to obtain
21 satisfactory results in a number of policies, and that
22 unless the political structure is strengthened, the
23 government will be unable to cope with the present
24 emergency. In a word since the War Minister's opinion
25 DD-54. c. Ex. 532, T. 6246-7.

1 is different from that of the present cabinet, he
2 cannot fulfill his duty as the leader of the army.
3 Hence, he has come to the point of resigning." a.

4 DD-56. When testifying before this Tribunal
5 the accused KIDO in discussing TOJO's efforts to bring
6 about the fall of the Second KONOYE Cabinet said, a.
7 "The attitude taken by War Minister TOJO in the
8 present political change is different from that taken
9 by War Minister HATA under the YONAI Cabinet. When
10 asked by the Tribunal regarding this part of his
11 testimony and "What was the difference to which you
12 refer?" KIDO replied: b.

13 "In the case of the YONAI Cabinet War Minis-
14 ter HATA presented his resignation to the cabinet
15 and stated that the army could not offer a new man
16 for the post -- and there was no successor to succeed
17 his post. Therefore, the YONAI Cabinet fell. The
18 case in the Third KONOYE Cabinet was that a dispute
19 or difference of views arose centering around the
20 decision reached at the Imperial Conference, and TOJO
21 had not yet tendered his resignation. That is the
22 difference, that is the only difference that I meant
23 to mention."

24 DD-55. a. Ex. 532, T. 6250.

25 DD-56. a. Ex. 3340, T. 31015-16; b. T. 31613-4.

4. Defense Claim of Coercion Fails.

DD-57. The defense sought to show by YONAI,^{a.}
ARITA,^{b.} and SAWADA^{c.} that HATA was forced to resign,
and by TANAKA^{d.} that he resigned because of the
influence of MUTO. We respectfully submit that in
the light of the foregoing evidence such a contention
is entirely untenable.

DD-58. YONAI's evidence is fully rebutted by
his interrogations^{a.} and his credibility as a witness
before the Tribunal seriously impaired, if not de-
stroyed, by his apparent lack of information about
what had occurred in his own cabinet,^{b.} and particu-
larly by his frantic efforts to avoid confirmation
of the article above recited which appeared in the
Tokyo ASAHI Shimbun on 17 July 1940,^{c.} giving an
account of the fall of his cabinet and quoting in full
the letter from HATA to YONAI of 14 July 1940 urging
the resignation of the Cabinet.^{d.}

DD-57. a. Ex. 3198, T. 28916.
b. Ex. 3200, T. 28945.
c. Ex. 3205, T. 29008.
d. T. 15901.

DD-58. a. Ex. 3831-A, T. 38000.
b. T. 28921-41.
c. Ex. 3199-A, T. 28941.
d. Ex. 3391-A, T. 28939; 28931-41.

1 DD-59. ARITA's testimony was not only shaken
 2 by his failure to remember on cross-examination
 3 instructions which he had given to and information
 4 which he had received from the Japanese Ambassador in
 5 Berlin and the action taken within his own department^{a.}
 6 but it was directly contradicted in the most material
 7 points by excerpts from HATA's speeches before the
 8 Diet Committee, introduced in rebuttal.^{b.}

9 DD-60. SAWADA's testimony as to HATA's
 10 attitude toward the war in China was in direct conflict
 11 not only with the entire evidence of HATA's acts but
 12 with HATA's statement as War Minister before the Diet
 13 Committee as to the China Incident.^{a.} And SAWADA's
 14 statement as to what he heard from another implying
 15 that HATA was opposed to a change in the cabinet^{b.} is
 16 entirely rebutted by HATA's letter to YONAI of
 17 14 July 1940.^{c.}
 18

19 DD-61. TANAKA also testified that those under
 20 HATA in the War Ministry were in favor of the Tripartite
 21 Pact and because HATA was opposed it resulted that
 22 HATA's orders in the War Ministry were not being obeyed.^{a.}

23 (DD-59. a. T. 28,947-93.

b. Ex. 3832, T. 38,015.

24 DD-60. a. Ex. 3833, T. 38,025.

b. T. 29,011.

c. Ex. 3391-A, T. 28,941; T. 28,939.

25 DD-61. a. Ex. 3233, T. 29,408-9.)

1 This is quite contradictory to the testimony of NODA,
2 another defense witness, who took the stand just prior
3 to the reading of the TANAKA affidavit. NODA was
4 the Chief of the Personnel Affairs Bureau at the time
5 HATA was War Minister. He testified that he was never
6 aware of any movement or attempt within the War Minis-
7 try to discredit General HATA or oppose his policies.^{b.}

8 DL-62. The argument that HATA was "forced"
9 to resign is against the overwhelming weight of the
10 evidence. It falls of its own weight. If he were
11 "forced" to resign, he would have likewise been forced
12 to refuse to recommend a successor to YONAI, forced
13 to recommend TOJO as the War Minister in the next
14 cabinet, forced to go secretly to the Emperor to urge
15 the appointment of TOJO, and finally "forced" to
16 accept the position of military councillor in the cabinet
17 headed by the group which had forced his resignation.

18 J. HATA Brought in TOJO.

19 DD-63. Having succeeded in bringing about
20 the downfall of the YONAI Cabinet by first resigning
21 and then refusing to recommend his successor as War
22 Minister, HATA immediately took steps to accomplish
23 the purpose which he had in mind -- the control of the
24 new cabinet must be in the hands of the military clique.
25 (DD-61, b. T. 29,397.)

The new War Minister was the key man. HATA urged the

1 selection of TOJO. Prior to becoming War Minister^{a.}

2 HATA had been Chief Aide-de-Camp to the Emperor.

3 This gave him an entree to the throne which he promptly

4 used. While KONOYE was in the process of forming his

5 cabinet and when he had not yet accepted TOJO for the

6 post of War Minister, HATA went secretly to the

7 Emperor two days after he had resigned and recommended

8 TOJO as the new War Minister.^{b.} The accused KIDO

9 recorded in his diary on 18 July 1940 that when he

10 was received in audience that afternoon,

11 "The Emperor stated that the War Minister
12 had just secretly recommended TOJO for War Minister ***
13 but that he thought the procedure was wrong, for Prince
14 KONOYE was still in the midst of forming a cabinet and
15 had not yet accepted TOJO for the post, and, as he
16 thought the action was rather over hasty he had asked
17 the War Minister whether he did not think the action
18 as being out of order."^{c.}

19
20 KIDO further added that, being impressed with
21 the reasonableness of the Emperor's opinions, he (KIDO)
22 told the Chief Aide-de-Camp that "I hoped for liaison
23 by the War Minister in order that the present instance

24 (DL-63. a. Ex. 106, T. 701.
25 b. Ex. 539, T. 6266.
c. Ex. 539, T. 6266.)

might not set a precedent."

1 DL-64. The same Three Chiefs' Council of
2 which HATA was a member that had refused on request of
3 YONAI to name a successor to War Minister HATA after
4 the resignation of the YONAI Cabinet quite promptly
5 designated TOJO as War Minister in the new cabinet.
6 Four days after HATA's visit to the Emperor, namely on
7 22 July 1940, the Second KONOYE Cabinet, with TOJO in
8 the pivotal post of War Minister and including the
9 accused HIRANUMA, HOSHINO, SUZUKI, as well as the late
10 MATSUOKA, came into power.

12 K. HATA Accepts Appointment Under New Cabinet.

13 DD-65. HATA stayed with the military clique.
14 On the very day that the Second KONOYE Cabinet with
15 TOJO as War Minister was formed, HATA accepted appoint-
16 ment in that cabinet as military councillor. We
17 respectfully submit that the entire question as to
18 whether he was forced to resign or whether he had long
19 and efficiently worked to force the resignation of the
20 YONAI Cabinet and bring into being a strong militaristic
21 cabinet is set at rest by the fact that HATA immediately
22 accepted appointment under this cabinet. HATA and the
23 leaders of the new cabinet were co-conspirators.

25 L. HATA's Action Bore Fruit.

DD-66. Within six days after HATA resigned

1 and the YONAI Cabinet fell and before the completion
2 of the formation of the new cabinet, four of those who
3 were to become members of the new cabinet, Premier
4 KONOYE, War Minister TOJO, Foreign Minister MATSUOKA
5 and Navy Minister YOSHIDA, met and drew up a foreign
6 policy program for the new cabinet containing a
7 rapprochement with the Axis Powers. The councillor
8 of the Japanese Embassy informed Woermann of this on
9 22 July 1940 and described it as "an unusual proce-
10 dure."^{a.}

11 DD-67. Ten days after HATA forced the
12 resignation of the YONAI Cabinet, the new cabinet on
13 26 July 1940 approved the "Outline of the Basic
14 National Policy."^{a.} It described the fundamental aim
15 of the Japanese national policy as follows: "First of
16 all, it is directed towards the construction of a new
17 order of Greater East Asia built upon a firm solidarity
18 of Japan, Manchukuo and China with this Empire as
19 the center." And it reiterated the statement "The
20 fundamental aim of Japan's foreign policy lies in the
21 construction of a new order in East Asia." It approved
22 the setting up of a new political structure and the
23 reform of the Diet system so as to conform to the new
24
25 (DD-66. a. Ex. 537, T. 6262.
DD-67. a. Ex. 541, T. 6271; T. 36,181-2.)

1 national political structure which would prove to be
2 none other than the Imperial Rule Assistance Association.

3 DD-68. Eleven days after HATA brought about
4 the downfall of the YONAI Cabinet a liaison conference
5 on 27 July 1940 determined, among other things:

6 "(1) To foster a strong political tie with
7 Germany and Italy and to take active steps in the
8 adjustment of diplomacy with the Soviet Union while
9 maintaining a firm front towards the United States.

10 "(2) To strengthen policies toward French
11 Indo-China, Hong Kong and settlements; to check
12 assistance to the Chiang Regime and root out the feel-
13 ing of enmity towards Japan.

14 "(3) To strengthen the diplomatic policy
15 towards the Dutch East Indies in order to obtain impor-
16 tant materials.

17 "(4) To reform the wartime organization at
18 home." ^{a.}

19 DD-69. These new plans and policies were
20 announced to the world on 1 August 1940. ^{a.} On 27 Sep-
21 tember 1940 the Tripartite Pact was signed and secret
22 letters exchanged. ^{b.} At almost the same time the
23 Imperial Rule Assistance Association was formally
24

25 (DD-68. ^{a.} Ex. 1310, T. 11,794; T. 36,182.
DD-69. ^{a.} Ex. 1297, T. 11,714.
^{b.} Ex. 43, T. 513.)

1 inaugurated.^{c.} HATA had carried Japan one great step
 2 further toward the domination by force of East Asia.
 3 HATA and his co-conspirators were rapidly forcing Japan
 4 along the road to more and greater wars.

5 VI. HATA Again Wages War in China.

6 DD-70. On 1 March 1941 HATA became Commander-
 7 in-Chief of the Expeditionary Forces in China, con-
 8 tinuing in that position until 22 November 1944.^{a.}

9 HATA now had the opportunity to carry into effect the
 10 policies which he had announced as War Minister -- to
 11 utterly destroy the National Government of China.^{b.}

12 A. HATA's Forces Overrun South China.

13 DD-71. As the Japanese forces under his com-
 14 mand in 1938 had overrun and occupied the major portion
 15 of Central China^{a.} he now waged war throughout the
 16 great expanse of South China. City after city and
 17 province after province of the Republic of China fell
 18 into the hands of the Japanese military forces under
 19 the command of HATA. On 2 April 1941 Japanese forces
 20 landed at Foochow, capital of the Fukien Province;^{b.}
 21 on 16 June 1941 Ambassador Grew reported heavy bombing
 22 of Chungking and damage to United States property.^{c.}

24 (DD-69. c. T. 1642.

DD-70. a. Ex. 106, T. 703.

b. Ex. 3832, T. 38,015.

DD-71. a. Ex. 254, T. 3430.

b. Ex. 254, T. 3431.

c. Ex. 1088, T. 9996.)

1 It is interesting to recall that during the time that
 2 HATA was conducting these extensive campaigns through-
 3 out China the forces of Hitler were overrunning Europe
 4 for on 22 June 1941 Germany invaded U.S.S.R.^{d.} On
 5 12 October 1941 the Japanese forces recaptured Nichang,^{e.}
 6 on 5-10 May 1942 the Japanese captured Lungling, Tung-
 7 chung, and on 3 December 1943 the armies under HATA's
 8 command captured Changteh. On 20 April 1944 the
 9 Japanese captured Chenchow; on 25 May 1944 Loyang; on
 10 18 June 1944 the armies of General HATA captured Chang-
 11 sna, the capital of Hunan Province.^{f.} (Count 48 in the
 12 Indictment.) On 8 August 1944 HATA's armies captured
 13 Hengyang. (Count 49 of the Indictment.) On 10 Novem-
 14 ber 1944 Japanese captured Kweilin (Count 50 of the
 15 Indictment) and the following day the Japanese forces
 16 under command of HATA captured Liuchow.^{g.} (Count 50 of
 17 the Indictment.) On 22 November 1944, HATA's forces
 18 captured Nanning.

19 B. Atrocities Committed on Civilians by
 20 Troops under HATA's Command.

21 DL-72. The record is replete with evidence
 22 of atrocities committed by soldiers under HATA's command
 23 (DD-71. d. F. 7958.

24 e. Ex. 254, T. 3431.
 25 f. Ex. 254, T. 3432.
 g. Ex. 254, T. 3432.

1 in China during the years 1941-44. These include
 2 massacre and murder, torture, rape, robbery, looting
 3 and wanton destruction of property, and occurred in
 4 all parts of China occupied by troops under HATA's
 5 command.^{a.} These are set out in detail in Appendix A
 6 to Summation J, pages 21 to 26. Typical examples of
 7 the nature and extent of these atrocities which occurred
 8 in all provinces of China occupied by the troops under
 9 HATA's command are:

10 LD-73. 1. Hunan Province -- in which are
 11 situated Changsha (Count 48 of the Indictment) and
 12 Hengyan (Count 49 of the Indictment). A lance corporal
 13 of the Japanese Army testified that during the second
 14 Changsha campaign, Japanese Army troops forced more
 15 than 200 Chinese prisoners of war at Changsha to
 16 plunder large quantities of rice, wheat and other com-
 17 modities, and then massacred them.^{a.} In June 1944, when
 18 the Japanese forces occupied Changsha, they indulged
 19 in murder, rape and incendiarism throughout the area.^{b.}

20 LD-74. 2. Hopei Province -- Ti Shu-tang

21 (DD-72.a. Ex. 331-340, T. 4609. Ex. 350, T. 4648.
 22 Ex. 341, T. 4611. Ex. 353, T. 4652.
 23 Ex. 344, T. 4619. Ex. 354-359, T. 4654.
 24 Ex. 345, T. 4629. Ex. 360, T. 4655.
 25 Ex. 346, T. 4639. Ex. 209, T. 2620.
 Ex. 351, T. 4649.
 LD-73. a. Ex. 341, T. 4611.
 b. Ex. 342, T. 4612.)

1 testified that in July 1941 the Japanese troops forced
2 sixty men, women and children into a house, set it on
3 fire and shot those who tried to escape; that in 1942,
4 Japanese troops forced over 40 Chinese women to
5 undress and parade in public view, shooting those who
6 tried to escape to avoid embarrassment by jumping into
7 a pool; and that in February 1944 he was taken along
8 with other civilians and upon refusing to join the
9 puppet force, was forced to go as a captive with the
10 Japanese and labor for the Japanese Army, first in
11 China and later in Japan until the end of the war; and
12 that out of a group of 981 civilians thus forced to
13 labor, 418 died.^{a.} Colonel Kiang detailed numerous
14 instances of torture and murder of Chinese civilians
15 by Japanese forces, including the massacre of 200
16 civilians; the killing of over 1,000 civilians by
17 starvation and freezing; that the nature of the torture
18 inflicted on the Chinese by Japanese soldiers included
19 having Chinese prisoners bitten to death by dogs,
20 forcing water into the nostrils of prisoners, torture
21 by electric current, burning, and requiring men and
22 women, strangers to each other, to indulge in compulsory
23 sexual intercourse.^{b.}
24

25 (DD-74. a. Ex. 344, T. 4619.
b. Ex. 345, T. 4629.)

DD-75. 3. Kwantung Province -- in which is situated the city of Canton (Count 46 of the Indictment). In December 1941, more than 2,000 civilians were massacred by Japanese troops after they entered the city of Wei-Wang near Canton. In July 1944 over 700 Chinese civilians were massacred and numerous acts of violence and destruction of property committed in villages in the vicinity of Canton.

DD-76. 4. Kwangsi Province -- in which are situated the cities of Kweilin and Liuchow (Count 50 of the Indictment). In Kweilin women were forced into prostitution with Japanese soldiers, and hundreds of Chinese soldiers who had been taken prisoners had been killed and their bodies exposed to view on the Imperial Wall or thrown into the Lee River. Also detailed were 21 cases of murder, and numerous instances of looting, rape and abduction committed by the Japanese troops in and around Kweilin and Liuchow in Kwangsi Province.

DD-77. 5. Yunan Province. G. J. Hsu, a Chinese merchant, testified before the Tribunal that in May 1942, the Japanese troops massacred Chinese civilians at the Salween River on the Burma Highway by

(DD-75. a. Ex. 351, T. 4649.

b. Ex. 350, T. 4648.

DD-76. a. Ex. 353, T. 4652-4.

b. Ex. 354-359, T. 4654-5.)

1 machine gun fire. He gave instances of rape by
 2 Japanese soldiers and testified that the road leading
 3 to the river was lined with civilians who had been
 4 shot.^{a.}

5 DD-78. Massacre and murder, torture, rape,
 6 robbery, looting and wanton destruction of property --
 7 this was the pattern of warfare waged by the Japanese
 8 troops under HATA's command throughout China from
 9 March 1941 to November 1944. In seeking to rebut
 10 this the defense introduced some witnesses who testi-
 11 fied that either HATA's Headquarters or the unit
 12 commanders under his command issued orders prohibiting
 13 atrocities upon Chinese civilians.^{a.} An excerpt from
 14 a radio broadcast alleged to have been made by KAMABE
 15 to the troops in China was introduced,^{b.} and a news
 16 article purporting to give information concerning an
 17 order issued by HATA regarding the treatment of
 18 Chinese civilians by the Japanese Expeditionary Forces.^{c.}
 19 Certain of these witnesses testified that Chinese
 20 civilians were killed by bombs, either Chinese or Amer-
 21 ican, just before Japanese troops occupied Chinese

22 (DD-77. a. Ex. 209, T. 2620-2.

23 DD-78. a. Ex. 2571, T. 21,793. Ex. 2558, T. 21,632.
 24 Ex. 2572, T. 21,796. Ex. 2560, T. 21,661.
 25 Ex. 2573, T. 21,808.

b. Ex. 2562, T. 21,735.

c. Ex. 2565, T. 21,759.)

1 areas. Three witnesses testified that there was some
2 court-martial punishment of Japanese troops for atro-
3 cities inflicted on Chinese civilians. The testimony
4 of the defense witnesses is conflicting, some testi-
5 fying that there were no atrocities, and others
6 testifying that punishment was meted out for the atro-
7 cities committed by the Japanese troops. It is
8 respectfully submitted that the negative nature of
9 evidence submitted by the defense in no wise overcomes
10 the positive testimony of eyewitnesses presented by
11 the prosecution as to the atrocities committed against
12 civilians in China by the troops under HATA's command.

13 THE PRESIDENT: We will recess for fifteen
14 minutes.

15 (Whereupon, at 1045, a recess was
16 taken until 1100, after which the proceedings
17 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Sutton.

4 MR. SUTTON: If it please the Tribunal, I
5 resume at paragraph DD-79, page DD-49.

6 C. Mistreatment of Prisoners of War and
7 Internees by Troops Under HATA's Command.

8 DD-79. The evidence introduced by the Prose-
9 cution concerning the treatment of prisoners of war
10 in those portions of China under HATA's command was
11 twice stated in summary form in the record.^{a.} Specific
12 instances of mistreatment, torture and privation in-
13 flicted by the Japanese troops under HATA's command
14 on prisoners of war and civilian internees are set
15 out in the appendix B to Summation J.^{b.}

16 DD-79. a. T. 27,456

17 T. 29, 416* (*As to Hong Kong
and vicinity: Ex. 1590-1628.

18 T. 13,162-13,185; testimony
of Barnett, T. 13,112-13,174)

19 b. See Appendix B to Summation J.
20 pp. 4-7, 25-26, 28-30, 45-47,
48, 49, 64-67, 80-83, 93, 94,
96, 111 and 112.

21 As to Shanghai and other parts
of China: Ex. 1888-1896, T.
22 14,158-14, 172.

23 Ex. 1900-1902, T. 14,178-14,184

24 Ex. 1904, T. 14,186

25 Ex. 1907-1909, T. 14,188-14,190

Ex. 1911, T. 14,191

Ex. 1914-1915, T. 14,194-5

Testimony of Powell, T. 3,270-3,280

These include numerous instances which occurred at
 1 Shanghai Prison Camp, ^{c.} at Woosun Prison Camp, ^{d.} at
 2 Kangwan Camp, ^{e.} at Haipong Prison Camp, ^{f.} at Pootang
 3 Internment Camp, ^{g.} and at Yochow. ^{h.}

4 DD-80. Against this volume of evidence, the
 5 defense introduced very little testimony and none to
 6 specifically deny the positive testimony of atrocities
 7 against prisoners of war and internees which was
 8 presented by the prosecution. One defense witness
 9 testified that prisoners of war were allowed freedom
 10 so long as they refrained from hostile acts and that
 11 the responsibility for them was with the renovation
 12

13 DD-79.

- 14 c. Ex. 1890-A, T. 14,161
 15 Ex. 1895-A, T. 14,169
 16 Ex. 1896-A, T. 14,171
 17 Testimony of Powell, T.
 18 3,270-80
 19 Ex. 1893-A, T. 14,165
 20 Ex. 1894-A, T. 14,166
 21 Ex. 1901-A, T. 14,179
 22 d. Ex. 1901-A, T. 14,179
 23 Ex. 1897-A, T. 14,171
 24 Ex. 1909-A, T. 14,190
 25 Ex. 1911-A, T. 14,191
 Ex. 1914-A, T. 14,194
 Ex. 1900-A, T. 14,178
 e. Ex. 1907-A, T. 14,189
 Ex. 1915-A, T. 14,195
 f. Ex. 1888-A, T. 14,158
 Ex. 1894-A, T. 14,166
 Ex. 1893-A, T. 14,165
 Ex. 1889-A, T. 14,160
 g. Ex. 1904-A, T. 14,186
 Ex. 1908-A, T. 14,189
 Ex. 1893-A, T. 14,165
 h. Ex. 1902-A, T. 14,184

8.
government at Nanking, and another testified that
1 some of the prisoners who were taken in the Wengyang
2 operations were injured by bombs dropped from Chinese
3 planes. It is respectfully submitted that the evi-
4 dence fully and clearly establishes that the prisoners
5 of war and internees were starved, beaten, tortured
6 and horribly mistreated in each of the camps above
7 cited, and that this mistreatment at the hands of
8 Japanese soldiers under HATA's command continued through-
9 out the entire time that HATA was in command of the
10 expeditionary forces in China from March, 1941, to
11 November, 1944, and that the responsibility of HATA
12 for these acts of the soldiers under his command is
13 clear and inescapable.

15 D. HATA Asks Death Penalty for Doolittle Flyers

16 DD-81. On 18 April 1942 American flyers
17 dropped bombs aimed at military objectives in Japan and
18 landed in China. These are known as the Doolittle
19 Flyers. They were imprisoned and kept under HATA's
20 jurisdiction until they were brought to Tokyo on 25
21 April 1942. They were kept in Tokyo until 17 June and
22 then returned to Shanghai and placed in Bridge House jail
23

24 DD-80. a. Ex. 2572, T. 21,802-3
25 b. Ex. 2558, T. 21,633.

1 and were thereafter continuously under HATA's juris-
2 diction. Their so-called trial was held on 20 August
3 and they were all sentenced to death. The death sen-
4 tence was subsequently commuted as to five of them
5 and the other three executed.^{a.}
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25 DD-81. a. Ex. 3834-A, T. 38,030
Ex. 3130, T. 27,904
Ex. 3131, T. 27,905

DD-82. These flyers were tried under regulations for punishment of enemy air crews issued by HATA, Supreme Commander of the Japanese Forces in China, 13 August 1942,^{a.} by military commission set up by the 13th Army under orders from Commander-in-Chief HATA.^{b.} When asked the contents of the order from General HATA directing the trial of these captured flyers, SAWADA, the Commander of the 13th Army, replied "It was a simple order ordering the 13th Army to conduct the trial of the Foolittle Flyers."^{c.} The regulations for punishment of enemy air crews issued by HATA on 13 August, 1942, provided that death should be the military punishment, but imprisonment for more than ten years "may be substituted for it according to extenuating circumstances." It further provided "Under special circumstances the execution of military punishment shall be remitted." It provided that these regulations should be enforced from the date of issue and made them in the nature of an ex post facto law by providing "these regulations shall be applicable also to acts committed previous to their enforcement."^{d.}

DD-82. a. Ex. 1991, T. 14,662, T. 28,897,
b. T. 27,452
c. T. 27,453
d. Ex. 1991, T. 14,662

DD-83. At the time these flyers were captured there was no law or regulation providing for their punishment other than as prisoners of war,^{a.} and TANAKA, called as a witness for the Defendant HATA, testified that quite a controversy arose in the War Ministry and General Staff as to whether they should be treated as prisoners of war or tried under some new law that would be promulgated; that he and the Vice-Chief of Staff desired them treated as prisoners of war and that he understood a letter had been sent by HATA's Chief of Staff to the Vice-Minister of War stating that HATA desired to treat them as prisoners of war. However, the General Staff decided that they must be tried under an ex post facto military law, and that an officer was sent from the General Staff in Tokyo to General HATA with instructions that he proceed with the trial under the new military law, and that the reason for the trial in China was that the military authorities in Tokyo were ashamed and wanted to avoid their own responsibility.^{b.}

DD-84. Defense witness MIYANO testified^a that HATA wanted to treat the flyers as prisoners of war and accord to them "generous consideration" and that a

DD-83. a. Ex. 3206, T. 29,041

b. Ex. 3206, T. 29,041

DD-84. a. Ex. 3197, T. 28,867

1 letter setting out HATA's views was sent by his Chief
2 of Staff to the Vice Chief of Staff in Tokyo, and
3 that as a result of this a messenger was sent from
4 Tokyo expressing the desires of the Chief of the
5 General Staff that the trial be carried out in a
6 strict manner, and that the only orders ever received
7 from Tokyo, in addition to the verbal orders brought
8 by this emissary were (1) a communication from the
9 Vice Minister of War dated 28 July, 1942, (Pros. Ex.
10 1192), and (2) notice of matters pertaining to treat-
11 ment of crew members of raiding enemy planes dated 28
12 July 1942, from the Deputy Chief of Staff (Pros. Ex.
13 1193), each of which exhibits were presented to the
14 witness on the stand. The first of these is notice
15 sent by the Vice Minister of War to each Chief of
16 Staff advising them that a decision had been reached
17 in regard to the treatment of enemy air crews to the
18 following effect: "Those who do not violate the war-
19 time international law will have to be treated as
20 POW's and those who showed actions of violating the
21 said law shall be treated as war-time capital criminals."
22 The second exhibit referred to above and confirmed by
23 the witness as the only other instruction received from
24 Tokyo is merely a draft of articles of war and procla-
25 mation to be issued in the future.

1 1. HATA Was First to Suggest Severe Punishment
2 for Flyers.

3 DD-85. Instead of desiring to treat these
4 flyers generously and being reluctant to try them
5 under an ex post facto regulation, we respectfully
6 submit that the evidence clearly shows that HATA was
7 the first to suggest that these flyers should not be
8 treated as prisoners of war, and that their acts
9 should be treated as grave offenses of war and severe-
10 ly punished. HATA's only deterrent to immediate action
11 was the feeling that international law might be in-
12 volved. Within three days after the Poolittle Flyers
13 were captured by HATA's forces in China, namely, 25
14 April 1942, the Chief of Staff of the China Expedition-
15 ary Forces sent a telegram to the Vice Minister of War
16 to the following effect:

17 "As we cannot allow American Air Force, after
18 inhumanly blind-bombing at the time of air raids of
19 the mainland, to escape to the Chinese Continent seek-
20 ing the base or hoping to strive for their safety by
21 becoming prisoners-of-war, we want positively to
22 destroy such enemies and as such actions contain es-
23 pionage elements. Also we wish to make a statement
24 to the effect that we intend to punish such actions
25 with severity to be grave offenses of war. But it may

1 have some relation to international laws and pro-
2 visions, we wish to have the prompt opinions from the
3 Center as regards to this matter." ^{a.} (underscoring
4 added)

5 That this telegram correctly expressed the
6 views of HATA is borne out by the testimony of TANAKA, ^b
7 who in referring to the letter alleged to have been
8 written by HATA's Chief of Staff to the Vice Chief of
9 the General Staff, said that according to the prac-
10 tice of the Japanese Army such a letter was never
11 written by the Commander himself, but was always written
12 by the Chief of Staff "and when the Chief of Staff ex-
13 presses anything in the official letter that is the
14 expression of the intention of the Commander-in-Chief
15 himself, not the opinion of the Chief of Staff."

16 DD-86. It is reasonable to conclude, we
17 respectfully submit, that it was the result of this
18 telegram from HATA's Chief of Staff that the discus-
19 sions arose in the War Ministry and General Staff
20 concerning which TANAKA ^{a.} testified as to whether
21 these flyers should be treated as prisoners of war or
22 tried under some new law to be promulgated. The cir-
23 cumstances under which these flyers were kept, the
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25 DD-85. a. Ex. 3370, T. 31,821-2

b. Ex. 3206, T. 29,043

DD-86. a. Ex. 2306, T. 29,041

1 treatment accorded to them while under General HATA's
2 command. the circumstances surrounding the trial, and
3 the fact that HATA made no recommendation for leniency
4 after the so-called trial, all strongly support the
5 position that HATA was fully responsible for the pun-
6 ishment and execution of these flyers.

7 2. The So-Called Confessions Were Forced
8 from the Flyers.

9 DD-87. The Defense offered in evidence the
10 report from the military police to the Chief of Staff
11 dated 26 May 1942 with regard to these flyers included
12 with which, although not read in evidence at the time,
13 are what purport to be the confessions of these eight
14 prisoners of war. ^{a.} That these alleged confessions
15 were obtained by duress and coercion is fully shown
16 by excerpts from the testimony of Lt. Neilsen and
17 Captain Barr taken from the record of the trial of
18 U. S. of America v. SAWADA et als before a military
19 commission at Shanghai in 1946. ^{b.} The testimony of
20 these two flyers not only shows that the alleged con-
21 fessions were wrung from them after the most intense
22 torture but proves that during the entire time the
23 flyers were under General HATA's command in China from
24

25 DD-87. a. Ex. 3129, T. 27,902
b. Ex. 3834-A, T. 38,030

1 the time of their capture until they were taken to
2 Tokyo, they were treated in the most cruel and inhumane
3 manner. They were bound, slapped, beaten, kicked,
4 had water forced into their lungs, stretched on a
5 rack, and hung by their handcuffs suspended from a
6 peg on the wall and repeatedly threatened with death
7 if they did not give the information demanded of them
8 by the Japanese soldiers. The treatment accorded to
9 them at Bridge House after they returned to HATA's
10 jurisdiction on 17 June 1942 was little better than
11 that which they had received at the hands of the
12 soldiers under his command following their capture.
13 They were crowded into a cell, forced to live under
14 the most unsanitary circumstances, furnished barely
15 sufficient food and water to keep them alive and not
16 allowed to bathe and shave during the seventy days
17 they were confined at Bridge House. Concerning the
18 treatment accorded to these flyers while they were
19 under General HATA's command in China, MIYANO testi-
20 fied on cross-examination,^{c.} "We had the means to know
21 but I do not think we were able to be informed of all
22 the circumstances and the facts."
23

24 3. There Was No Real Trial.

25 DD-87. c. T. 28,290

1 DD-88. The testimony of Lt. Neilson given in
2 the SAWADA trial at Shanghai and introduced in this
3 a. case shows that the so-called trial of these flyers
4 was a sham and a pretense devoid of all elements of
5 a judicial proceeding. Lt. Hallmark was brought
6 into the room on a stretcher and in such an ill and
7 weakened condition that he could not know what was
8 going on. The eight flyers were asked only as to
9 their education and air corps training. Someone in the
10 room read a manuscript in Japanese. The prisoners
11 asked to have it interpreted, and that was denied. No
12 other statements were made. There were no witnesses.
13 The flyers were not advised then or at any other time
14 of the charges against them. Nothing was interpreted
15 into English. They were not asked to plead and Lt.
16 Neilson testified, "We didn't even know it was a court
17 martial." The entire proceedings lasted "from 20 min-
18 utes to half an hour."

19 4. HATA Received a Report of the So-Called
20 Trial

21 a.
22 DD-89. MIYANO testified that General HATA
23 received a report of this trial which showed the cir-
24 cumstances surrounding the trial and conviction of
25 these flyers, that the report showed the judgment and

DD-88. a. Ex. 3834-A, T. 38,050-3

DD-89. a. T. 28,901-2

1 the reason for the judgment, together with the evi-
 2 dence on which it was based, and that General HATA made
 3 no investigations of the circumstances after the con-
 4 clusion of the trial.

5 5. HATA Made No Recommendation for Clemency

6 DD-90. The military ordinance issued by HATA

7 13 August 1942^{a.} for the punishment of enemy flyers
 8 under which these men were tried provided "Under

9 special circumstances the execution of military pun-
 10 ishment shall be remitted." MIYANO testified^{b.} that

11 General HATA ordered General SAWADA, the Commanding
 12 General of the 13th Army, to try the flyers under the
 13 provisions of the order issued by General HATA on 13

14 August 1942. He further testified^{c.} that at no time

15 after the trial did HATA make any recommendation or
 16 suggestion that any leniency be granted to the eight

17 flyers sentenced to death. The failure of HATA to
 18 make any recommendation for clemency after the trial,

19 though provision for it was expressly made in the order
 20 which he had issued and under which the flyers were

21 tried is diametrically opposed to the statement of^{d.}

22 MIYANO who testified that HATA said "that if Tok, o

24 DD-90. a. Ex. 1191, T. 14,662

25 b. T. 28,897

c. Ex. 3197, T. 28,869

T. 28,876-7

d. T. 28,871

1 insisted that the flyers be tried under the new mili-
2 tary law, he, HITA, would give them the lightest
3 possible or the most generous possible decision at the
4 trial. He stated that if there were any slightest
5 extenuating circumstances to be taken into considera-
6 tion, he would take them into consideration and pass
7 as light a sentence as possible."
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6. HATA Requested the Death Sentence.

1 DD-91. MIYANO was asked on cross-examination,
2 "Did General HATA request the prosecutor of the 13th
3 Army to ask for the death sentence for these flyers?"
4 and replied, "I do not know."^{a.} He admitted that he
5 testified at the SAWADA trial in Shanghai in February,
6 1946. General HATA was not a defendant at that trial.
7 An excerpt from his testimony in the SAWADA trial was
8 then put to him, and after much evasion and hesitation
9 and explanation even to the extent of once stating, "I
10 cannot reply,"^{b.} he finally admitted the questions and
11 denied the answers.^{c.} In rebuttal the prosecution intro-
12 duced the excerpt from his testimony in the SAWADA trial
13 at Shanghai, the exact language of which had been put to
14 him on cross-examination.^{d.} This testimony in the
15 SAWADA trial is as follows:^{e.}

17 "Q Did Nanking issue any orders to the 13th
18 Army in regards to the treatment of the fliers?

19 "A I do not remember.

20 "Q Was the trial of the Doolittle fliers
21 ordered by General HATA to be tried at Shanghai?

22 "A Yes.

23 (DD-91. a. T. 28904.
24 b. T. 28907.
25 c. T. 28914.
d. T. 28904-5.
e. Ex. 3834-B, T. 38058-60.)

1 "Q Did you mean by your previous answer that
2 HATA requested the 13th Army prosecutor to ask for the
3 death penalty?

4 "A He requested so.

5 "Q (to Interpreter) Will you interpret that
6 answer again?

7 "INTERPRETER: He said he requested so -- re-
8 quested that the sentence be executed; he requested so.

9 "Q Does he mean the General requested so?

10 "A Yes, HATA.

11 "Q Did General HATA request the prosecutor of
12 the 13th Army to ask for the death sentence?

13 "A He requested the death sentence." (pp. 288-
14 289) (Underscoring added)

15 VII. HATA WAGES WAR TO THE END.

16 DD-92. On 22 November 1944, HATA was relieved
17 of his post as Commander-in-Chief of the Expeditionary
18 Forces in China and again appointed to the powerful
19 position of Inspector General of Military Education, in
20 which he served throughout KOISO's Cabinet. ^{a.}

21 DD-93. On 7 April 1945, he was appointed
22 Commander-in-Chief of the Second Army Corps continuing
23 in that command until the end of the war. As he had done
24 in China in the Doolittle Flyers case, HATA again in
25 (DD-92. a. Ex. 106, T. 701.)

July, 1945, gave his approval to the request for the death penalty of captured flyers. OGIYA testified^{a.} that General HATA, as Commander-in-Chief of the Second General Army approved the requests for the death penalty for two captured flyers, Lieutenant Nelson and Sergeant Auganus, that this approval was given in advance and not after the sentence had been passed. This approval by Field Marshal HATA was read at the trial^{b.} on 18 July 1945, and the two flyers were forthwith convicted and executed the same day. HATA's action in the Doolittle case in China in 1942 was repeated in the case of these two flyers in Japan in July, 1945.

VIII. TOJO RECOMMENDS HATA.

DD-94. It was HATA who wrecked the YONAI Cabinet making the way for the entry of TOJO into the government. It was HATA who went secretly to the Emperor and recommended TOJO as War Minister in the Second KONOYE Cabinet. It was HATA, as a member of the Big Three Council, who selected TOJO as the War Minister in July of 1940. TOJO did not forget the man who was most responsible for his rise to power. Following the resignation of the KOISO Cabinet on 5 April 1944 a conference of Senior Statesmen was held that day to select (DD-93. a. Ex. 1925-A, T. 14221, 14227-8, 14613-23. b. T. 14227-8.)

1 a new Prime Minister. TOJO alone of all the conferees
2 strongly urged the appointment of HATA as Premier.

3 KIDO testified ^{a.} that when he, KIDO, suggested it would
4 be better to choose a non-army man, "General TOJO would
5 not yield. On the contrary, he went to the length of
6 saying that if such a thing was done, the Army might
7 look the other way (meaning a coup d'etat by the Army)"
8 and that "All the conferees, except General TOJO" had a
9 tacit understanding that they desired "a man free from
10 any commitment in the past." So strong was TOJO's
11 advocacy of the appointment of HATA at this time insist-
12 ing that "the government and the command must be fused
13 into one," ^{b.} and "from this standpoint I believe Marshal
14 HATA is suitable," that he threatened to again use the
15 Army influence to wreck the Cabinet if HATA were not
16 chosen, warning the Senior Statesmen "if the Army takes
17 an aloof standing, the Cabinet will collapse." ^{c.} TOJO
18 and HATA stuck together to the end.

19 DD-95. There is attached hereto an appendix
20 listing the Counts in the Indictment in which HATA is
21 charged and referring by paragraph number to the perti-
22 nent portions of this summation which support the
23 charges in each of these Counts. We respectfully submit
24

25 (DD-94. a. Ex. 3340, T. 31121.
b. Ex. 3340, T. 31139-40.
c. Ex. 3340, T. 31141.)

1 that the facts proven in this case show that HATA is
2 guilty of the over-all conspiracy of planning and waging
3 wars of aggression, that he is guilty of actually waging
4 wars of aggression, and that he is guilty of waging them
5 in a manner which violated all the rules of war and in
6 utter disregard of human rights. We submit that the
7 evidence fully and fairly established his guilt under
8 each and every count in the Indictment in which he is
9 now charged. May even-handed justice measure punishment
10 with the crime.

11 (The aforesaid portion of the summation,
12 which was not read, is as follows:)

13 DD-96. Appendix to Summation

14 Counts 1 to 5 of the Indictment - the conspiracy
15 Counts - are sustained by the entire evidence set out in
16 this summation.

17 Counts 6 to 17 - planning and preparing aggres-
18 sive wars - are sustained by paragraphs DD-4 to 8, DD-20,
19 DD-23 to 69, inclusive. The evidence shows that HATA,
20 having joined the conspiracy in its early stages (DD-4)
21 and fully participating in it at the time of the China
22 Incident (Divisions III, IV, and V of this Summation), is
23 guilty of all subsequent planning and preparing to wage
24 aggressive wars. DD-4 is especially applicable to Count
25 17.

Count 19 - DD-3 and DD-4.

Counts 25 and 26 - DD-3, DD-4, DD-23.

Counts 27 and 28 - Waging war of aggression against the Republic of China -- DD-6 to 19, DD-27 to 42, and DD-70 to 91.

Counts 29 to 32 and 34 to 36 - HATA having planned and prepared for the wars described in these Counts is guilty as an accomplice, instigator, and accessory (DD-23 to 69). Especially pertinent are paragraphs DD-24, DD-25, DD-33 to 36, DD-42, DD-44, DD-45, and DD-63. Paragraph DD-42 is especially applicable to Count 32. DD-23 is especially applicable to Count 36.

Count 45 - DD-7 and DD-8.

Count 46 - DD-8, DD-10 to 13, and DD-75.

Count 47 - DD-9 to 17.

Counts 48 and 49 - DD-70 to 73, and DD-79.

Count 50 - DD-70 to 72, DD-76, and DD-79.

Count 51 - DD-3 and DD-4.

Count 52 - DD-3, DD-4, and DD-23.

Counts 54 and 55 - DD-15 to 17, DD-72 to 91, and DD-93.

MR. SUTTON: Mr. English will proceed for the prosecution.

- - -

1 (A portion of the summation, which
2 was not read, is as follows:)

3 SUMMATION OF CASE AGAINST HIRANUMA

4 EE-1. HIRANUMA is charged in all Counts in the
5 Indictment except Counts 48, 49, and 50, which relate to
6 the unlawful killing and murdering of a large number of
7 civilians and disarmed soldiers of the Republic of China
8 in the cities of Changsha, Hengyang, Kweilin, and Liuchow,

9 MR. ENGLISH: If the Tribunal pleases, I will
10 commence reading from paragraph EE-2:

11 GOVERNMENTAL SERVICE

12 EE-2. From 1890 to 1945, HIRANUMA had been
13 continuously in government service in various capacities.
14 From 1911, when he was appointed Vice-Minister of
15 Justice, through appointment on 6 September 1923 as
16 Minister of Justice; on 2 February 1924 as Councillor
17 of the Privy Council; on 12 April 1926 as Vice President
18 and on 13 March 1936 as President of the Privy Council;
19 on 5 January (to August 1939) as Premier; on his resig-
20 nation as Premier, to 1945 as a Senior Statesman; and
21 on 6 December 1940 as a Cabinet Member (to 17 October
22 1941: 6 December 1940, Minister without Portfolio; 21
23 December 1940, Home Minister; 18 July 1941, Minister
24 without Portfolio) his governmental service was on the
25 highest level. On 9 April 1945, he was re-appointed

^{a.}
President of the Privy Council.

EE-3. Consequently, all decisions within the competence of the Privy Council between 1928 and 4 January 1939 and of the Cabinet from the latter date to 18 October 1941 (with the exception of the period of time from 29 August 1939 to 6 December 1940), as well as those of the Senior Statesmen from 29 August 1939 to 1945 determine the responsibility of HIRANUMA, under the Indictment.

EE-4. HIRANUMA was born in Tokyo in September, 1867, and was graduated in 1888 from the Imperial University College of Law. From 1890 to 1924, he served as Judge of the Tokyo District Court and the Tokyo Court of Appeals, prosecutor of the Supreme Court, and head of the Supreme Court. On 9 January 1924, he was appointed a member of the House of Peers and on 28 October 1926, he was created a baron for distinguished services.
^{a.}

EE-5. HIRANUMA was President of the Kokuhon-Sha, a society founded in 1920 for the purpose of fostering the spirit of nationalism, bolstering the foundation of the state, working for the dissemination of learning and morality and exalting the national spirit. Its membership increased with great rapidity to a total of

(EE-2. a. Ex. 107, T. 704.
EE-4. a. Ex. 107, T. 704.)

1 50,000. At the time of its organization the society was
2 in close touch with military circles and with the Mini-
3 stry of Justice. It published two magazines, the
4 Foundation of State Society Paper (Semi-monthly - circu-
5 lation 30,000) and the Foundation of State Society
6 Magazine (monthly - circulation 25,000). KOISO and
7 ARAKI were members of this society.^{a.}

8
9 EE-6. The association was, however, an instru-
10 ment used by HIRANUMA for political purposes: for
11 example, on 16 July 1931, HARADA records that "even in
12 the matter of disarmament, it is clear that the extreme
13 rightist Kokuhon-Sha is maneuvering in concert with the
14 army."^{a.}

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(EE-5. a. Ex. 164, T. 1636 (pp. 2, 3, 4 of Ex.)
EE-6. a. Ex. 3754-B, T. 37567.)

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PRIVY COUNCIL

1 EE-7. HIRANUMA was Vice-President of the
2 Privy Council from 1925 to 1936, when he became its
3 President, serving in that capacity until 1939 at
4 which time he became Prime Minister.

5 EE-8. In view of the vast powers of the
6 Privy Council, to write a summary of the prosecution's
7 case against HIRANUMA, would be to write the whole
8 story of Japan's attempt to secure the military,
9 naval, political and economic domination of Greater
10 East Asia.

11 EE-9. All of the acts of the Japanese
12 Government within the competence of the Privy Council
13 having as their ends the violation of international
14 law, treaties, agreements, assurances; planning, pre-
15 paring, initiating or the waging of aggressive war-
16 fare are chargeable to HIRANUMA and are overt acts
17 of the conspirators as alleged in the Indictment.

18 EE-10. The Privy Council was a continuing body
19 whose advice, under the ordinance defining its powers
20 promulgated in 1890,^a was to be solicited by the Em-
21 peror on constitutional questions, treaties and agree-
22 ments, and prior to the issuance of Emergency Imper-
23 ial Ordinances, when the Diet was not in session, and
24
25 EE-10. a. Ex. 83, T. 505

1 to the enactment of ordinary legislation to be sub-
2 mitted by the Cabinet to the Diet. The Council became,
3 however, a Third Chamber with broad supervisory powers
4 over the executive in both foreign and domestic mat-
5 ters, owing no political responsibility to the Diet
6 or the people, yet exerting important influences over
7 the entire affairs of the State. On bills which had
8 been introduced by a Diet member and had passed the
9 Diet, it could either approve or disapprove in toto;
10 regarding projects of law which had been submitted to
11 it by the Cabinet before introduction in the Diet, it
12 could not only veto but could also freely exercise its
13 amending power. The members of the Cabinet were ex-
14 officio members of the Privy Council.^b

16 EE-11. The cross-examination of defense wit-
17 ness FUJITA reveals that if the Privy Council withheld
18 its approval from an enactment upon which that approval
19 was required, and if the bill was an important one,
20 "the bill would either be changed or it (might) cause
21 the resignation of the cabinet."^a

22 EE-12. The more important criminal acts of
23 the conspiracy committed while HIRANUMA was on the
24 Privy Council will be set forth, except those acts

25 EE-10. b. T. 640-1; 662-3

EE-11. a. FUJITA, T. 17584

1 committed while he was a member of the Privy Council
 2 by virtue of his being Prime Minister; such acts will
 3 be found below when HIRANUMA's responsibilities as
 4 Prime and as State Minister will be discussed.

5 EE-13. As President of the Privy Council
 6 (13 March 1936 to 4 January 1939) and as Premier from
 7 the latter date to 29 August 1939, HIRANUMA was
 8 privileged to attend Imperial Conferences.^{a.}

9 EE-14. He attended the Imperial Conference
 10 of 11 January 1938, at the request of Premier KONOYE
 11 and with the sanction of the Emperor "because of the
 12 Privy Council's connection with diplomacy, treaties,
 13 etc."^a This conference decided Japan's national
 14 policy toward China,^b laying down the conditions on
 15 which Japan was prepared to conclude peace. Almost
 16 all of the terms of the decision are to be found in
 17 the final treaty between Japan and the new Chinese
 18 Government under Wang Ching Wei concluded in November
 19 1940.^c

20
 21 EE-15. Before matters progressed very far
 22 the Japanese Government on 16 January 1938 issued a
 23 statement breaking off negotiations with the National
 24 Government and announcing its decision to cooperate
 25

EE-13.

a. Ex. 80, T. 682

EE-14. a. Ex. 3264, T. 29840

b. Ex. 3264, T. 29837

c. Ex. 40, T. 499, 5320

Ex. 3264, T. 29837

1 with a new government and to construct a New China.^a
 2 This act was a direct treaty violation, although the
 3 statement said that the action involved no change in
 4 policy respecting China's territorial rights or
 5 sovereignty, or the rights and interests of other
 6 powers in China.^b

7 EE-16. At the time of the Manchurian Inci-
 8 dent on 18 September 1931, which resulted in the
 9 economic, political and military aggression of Man-
 10 churia by Japan, HIRANUMA was Vice President of the
 11 Privy Council.

12 EE-17. Regarding the action of Japan in
 13 Manchuria in relation to the Nine Power Treaty and
 14 the Pact of Paris, Stimson on 24 February 1932, stated
 15 that "a situation has developed which cannot, under
 16 any circumstances, be reconciled with the obligations
 17 of the covenants of those two treaties, and that if
 18 the treaties had been faithfully observed such a
 19 situation could not have arisen."^a

20 EE-18. On 9 December 1931, the Manchurian
 21 Incident was considered by the Privy Council. At the
 22 meeting, Councillor EGI pointed out that if the Japan-
 23 ese Army should attack Chinchow (which it occupied on
 24

25 EE-15. a. Ex. 268, T. 3562

b. Ex. 270, T. 3609

EE-17. a. Ex. 932, T. 9370

or about 3 January 1932 in spite of assurances given
 1 by the Foreign Office to the United States on 24
 2 November 1931 that they would not do so), "great
 3 will be our loss of credit with the League of Nations
 4 and the Great Powers."^a Japan is, he continued, "los-
 5 ing general confidence as a result of continually
 6 taking action under the pretext of self-defense,"^b
 7 and "though it might be very convenient for Japan to
 8 have Manchukuo an independent state, I do not believe
 9 the great powers would accept it."^c

11 EE-19. Nevertheless, at an Extraordinary
 12 Meeting of the Council on or about 17 December 1931
 13 it decided that the four provinces of Manchuria
 14 should be occupied by Japanese troops and for this
 15 purpose the budget requested was approved.^a

16 EE-20. As early as 7 January 1932, after
 17 having been reminded by Stimson that the United States
 18 would refuse to recognize any situation, treaty or
 19 agreement entered into in violation of the covenants
 20 of the Nine Power Treaty and the Kellogg-Briand Pact,
 21 the Japanese Foreign Minister assured the United
 22 States that so far as Japan could secure it, the
 23 policy of the Open Door would always be maintained in

24 EE-18. a. Ex. 2205-A, T. 15761 EE-19.
 25 b. Ex. 2205-A, T. 15761 a. Ex. 182-C, T. 2219
 c. Ex. 2205-A, T. 15761

1 Manchuria and China.^a But, two days later, on 1
2 March 1932, Henry Pu-Yi, a former Emperor of China,
3 was induced to accept the position as the Puppet
4 Regent of Manchukuo.^b

5 EE-21. On 13 September 1932, the Privy
6 Council unanimously approved the Protocol between
7 Japan and Manchukuo. At this meeting, HIRANUMA served
8 as Vice Chairman and as Chairman of the Committee of
9 Judges to report on the bill. According to HIRANUMA's
10 report, Manchukuo became an independent state by vir-
11 tue of the action of its citizens; therefore, recog-
12 nition by Japan would not only help Manchukuo but
13 would also confuse the issue and save Japan from em-
14 barassment before the League of Nations; and, while
15 the recognition of Manchukuo would "as may be easily
16 imagined, cause for a time no small shock to the
17 world, (it) will not bring about any international
18 crisis. Under the circumstances, our country con-
19 sidered it advisable at this juncture to give Man-
20 chukuo our formal recognition and open friendly rela-
21 tions with her."^{a.}

22 EE-22. By the terms of the Protocol, Man-
23 chukuo was to respect the international agreements
24

25 EE-20. a. Ex. 932, T. 9370 EE-21. a. Ex. 241, T. 2972
b. Pu-Yi, T. 3977

1 concluded by the Republic of China which were applic-
2 able to Manchukuo; Japan and Manchukuo agreed to
3 mutually respect each other's territorial integrity;
4 all the rights which Japan and her subjects had
5 possessed under various Sino-Japanese arrangements,
6 both public and private, were to be confirmed and
7 respected by Manchukuo; and both states agreed to
8 jointly defend themselves against any attack. By
9 means of secret agreements Japan was entrusted with
10 the national defense of Manchukuo and the maintenance
11 of peace within its borders; with the control of the
12 existing railroads, harbors, waterways and air-
13 routes, and with the construction of new routes as
14 required by the Japanese Army for the purpose of
15 national defense; Japanese citizens were to be ap-
16 pointed State Councillors and officials of the cen-
17 tral as well as the local governments whose selection
18 was to be made upon the recommendation of the Com-
19 mander of the Kwantung Army and whose dismissals were
20 subject to his approval.^a

21 EE-23. Although, by these various agreements,
22 the control of Manchukuo was apparently under the
23 jurisdiction of the Kwantung Army, the Commander-in-
24 Chief of that army was, of course, subject to orders
25 EE-22. a. Ex. 241, T. 2972

1 from the Japanese Government, which government con-
2 tinued to exercise control either by Cabinet action
3 or orders from the Minister of War, showing clearly
4 that the Government of Manchukuo was absolutely
5 under the direct control of the Japanese Government.^a

6 EE-24. This protocol was ratified by the
7 Privy Council only after exhaustive discussion regard-
8 ing the protocol and Japan's obligations under the
9 treaty system. That the councillors knew that the
10 protocol violated the Nine Power Pact; that Japan's
11 contention would be rejected by the world's public
12 opinion as well as by the International Court of
13 Justice; that Manchukuo became independent not of
14 her own free will but through the aggressive actions
15 of Japan can be proved by the points and objections
16 raised and the replies and evasive answers given by
17 the various councillors. HIRANUMA, it must be remem-
18 bered, was the chairman of the committees which inves-
19 tigated and favorably reported the bill.

20 EE-25. Councillor OKADA raised three points.
21 First, whether or not the recognition of Manchukuo was
22 in violation of the Nine Power Pact, referring in this
23 connection to the statement in the Diet of Foreign
24 Minister UCHIDA that Manchukuo "had become independent
25

EE-23. a. Lx. 230, T. 2903

1 by the free will of her people and that Japan had not
2 agreed by the Nine Power Pact to prevent the independ-
3 ence of the Chinese people." OKADA pointed out that
4 the Foreign Minister referred to what might happen
5 if, forexample, Canton wished to become independent,
6 he (UCHIDA), being of the opinion that the countries
7 signatory to the Pact were not under an obligation
8 to prevent this independence. OKADA felt, however,
9 that America might be of the opinion that it would
10 not be in violation of the Pact, if Manchukuo became
11 independent of her own free will, but that it would
12 be such a violation and disregard of Chinese sover-
13 eignty for Japan to assist and maintain this inde-
14 pendence. OKADA thought that the Foreign Minister's
15 explanation on this point was inadequate.^a

16 EE-26. The second point raised by OKADA
17 referred to the conflict between the secret agreements
18 in the bill under discussion and the Nine Power Pact,
19 and the third point related to the arrangement where-
20 by agreements were to be strictly confidential --
21 pointing out if the secret agreements were to be di-
22 vulged China would demand convocation of a conference
23 of the countries signatory to the Nine Power Pact.^a
24

25 EE-25. a. Ex. 241, T. 2983 EE-26. a. Ex. 241, T. 2984

1 EE-27. In reply the Foreign Minister, UCHIDA, stated
2 that, regarding the Nine Power Pact, the action of
3 the Japanese Army in coping with the Incident of 18
4 September 1931 was nothing but the exercise of Japan's
5 right of self-defense; that the Nine Power Pact pro-
6 vided that China's territorial integrity should be
7 respected, but it made no provisions at all for a
8 case where a part of China became "independent as a
9 result of China's own disintegration."^a

10 EE-28. As to OKADA's second point (whether
11 there is doubt that the contents of the secret treaty
12 were incompatible with the Nine Power Pact) UCHIDA
13 said that there was no conflict between the two as
14 the signatories for the Pact "are concerned with the
15 Open Door principle, principle of equal opportunity,
16 etc." He saw no objection to Japan's being entrusted
17 by Manchukuo with such matters as that country could
18 do for herself.^a

19 EE-29. In answer to the third question (as
20 to what would be done in the event that the secret
21 agreements became divulged), UCHIDA said that Japan
22 should take special care to prevent leakage, and if
23 by any chance the secret agreement should become known
24

25 EE-27. a. Ex. 241, T. 2985
EE-28. a. Ex. 241, T. 2986

1 he believed that there was nothing in them to be
2 ashamed of.^a

3 EE-30. OKADA doubted if the explanations
4 given by the Foreign Minister would satisfy the sig-
5 natories to the Pact.^a

6 EE-31. Councillor ISHII said that he felt
7 uneasy about Japan's contention that she could not
8 agree "to the disposition of the Sino-Japanese dis-
9 pute over Manchuria by the League of Nations under
10 Article 15 of the League's Covenant."^a

11 EE-32. In this connection, ISHII argued
12 that "should the dispute over Manchuria, which is
13 not Japanese territory be disposed of according to
14 Article 15, Japan's contention would be rejected by
15 the world's public opinion as well as by the Inter-
16 national Court of Justice," but on the other hand,
17 "when Manchukuo is recognized by Japan and becomes
18 an independent state the point most disadvant-
19 ageous to Japan will be thereby almost removed."^a
20 Regarding Japan's action in Manchukuo and the Anti-
21 War and the Nine Power Pacts, ISHII reasoned that,
22 since Japan has formally recognized Manchukuo and
23 will enter into an alliance with her. Japan will be
24

25

EE-29. a. Ex. 241, T. 2986 EE-31. a. Ex. 241, T. 2991
EE-30. a. Ex. 241, T. 2986 EE-32. a. Ex. 241, T. 2991

1 able in the future to assert that the independence of
 2 Manchuria was due to the disintegration of China and
 3 that the territorial integrity of the Republic of
 4 China was broken down by none other than Manchukuo.
 5 This will nullify the argument that Japan violated
 6 the Nine Power Pact. Therefore, "in consequence of
 7 the independence of Manchukuo, it has become unneces-
 8 sary for the League of Nations to deliberate on the
 9 Manchukuo question under Article 15 of the League's
 10 Covenant."^b

11 EE-33. Japan's action in resigning from the
 12 League of Nations on 27 March 1933 had been approved
 13 by the Privy Council.^a

14 EE-34. Three events occurred during 1934
 15 involving foreign relations and diplomacy and, there-
 16 fore, within the purview of the Privy Council: the
 17 installation of Henry Pu-Yi as Emperor of Manchukuo
 18 on 1 March 1934;^a the issuance of the AMAU Statement
 19 on 17 April 1934;^b and the denunciation of the
 20 Washington Naval Treaty on 29 December 1934.^c

21 EE-35. On 17 April 1934, an unofficial
 22 statement of the Japanese Foreign Office called the
 23 "AMAU Statement" was issued.^a This statement main-
 24

25 EE-32. b. Ex. 241, T. 2992 EE-34. a. Pu-Yi T. 3988
EE-33. c. Ex. 2222, T. 15845 b. Ex. 935, T. 9389
EE-35. c. Ex. 935, T. 9389 c. Ex. 58, T. 9200

1 tained that, due to Japan's special position in China
2 and in order to fulfill her special responsibilities
3 in Asia, Japan opposed any attempt by China to avail
4 herself of any other country to resist Japan and felt
5 that any joint operations with a foreign power, even
6 in the name of technical or financial assistance after
7 the Manchuria and Shanghai Incidents, have political
8 significance. Japan would also oppose the supplying
9 of China with planes, military advisors, or loans
10 for political uses. ^b

1 EE-36. Regarding this statement, Hull, in
 2 his testimony before the Pearl Harbor Investigation
 3 Committee, said that "Japan again unmasked the basic
 4 purpose of aggression consistently adhered to by
 5 powerful policy making elements in Japan" when it
 6 gave out the "hands off China" statement; that the
 7 clear purpose of Japan was "to compel China to follow
 8 Japan's dictate and to permit other countries to have
 9 relations with China only as Japan allowed."^a.

10 EE-37. Foreign Minister HIROTA, on 25
 11 April 1934, purported to retract the AMAU statement
 12 in a conversation with Mr. Grew, stating that Japan
 13 had no intention of seeking special privileges in
 14 China in derogation of the rights of others in the
 15 Nine Power Treaty and that it was Japan's policy
 16 to completely observe and support that treaty."^a.
 17 However, despite HIROTA's purported retraction of
 18 the AMAU statement, the "formula" based upon Japan's
 19 superior and special rights and interests in the
 20 peace situation in Eastern Asia was thereafter relied
 21 upon in dealing with Far East matters."^b.

23 EE-38. On 29 December 1934, Japan denounced
 24 the Washington Naval Treaty,^a an act which according

25 EE-36.

a. Ex. 1106, T.10114.

EE-37.

b. Ex. 937, T. 9397.

EE-37.

a. Ex. 936, T. 9393.

EE-38.

a. Ex. 58, T. 9177.

to Hull "was another clear and significant move in the direction of a course of conquest."^b Following abrogation of this treaty, "Japan proceeded energetically to increase her armaments, preparatory to launching her invasion in China."^c

EE-39. That the United States officially recognized the inconsistent position of Japan in giving lip service to the treaty system while, at the same time, flagrantly violating it can be gathered from Grew's statement of 15 April 1935 to HIROTA regarding the creation of an oil monopoly in Manchuria^a and the part played therein by Japanese nationals and interests. Grew stated that the oil monopoly was a violation of Article III of the Nine-Power Treaty^b and even though Japan alleged that the monopoly was established by the sovereign state of Manchukuo, "the peculiar relations and undoubted influence of Japan with those authorities have been fully demonstrated in other recent issues."^c

EE-40. On 3 July 1935, the Privy Council approved a bill to conclude an agreement between Japan and Manchukuo regarding the establishment of a Joint Economic Committee to be permanently established

EE-38.

b. Ex. 1106, T. 10111.
c. Ex. 1106, T. 10115.

EE-39.

a. Ex. 939, T. 9407.
b. Ex. 939, T. 9408.
c. Ex. 941, T. 9415.

1 in Hsinking, Manchukuo,^a which would deliberate
 2 and answer all questions on all important matters
 3 concerning the economic tie of the two countries
 4 and the supervision of the business of the Japanese-
 5 Manchurian Joint Special Corporation.^b

6 EE-41. On 31 October 1935, the Foreign
 7 Ministry announced that a treaty between Japan and
 8 the Netherlands had been concluded providing for
 9 judicial settlement, arbitration and conciliation
 10 of all disputes between them. HIRANUMA represented
 11 Japan on the permanent commission set up under this
 12 treaty. The treaty was formally abrogated by Japan
 13 on 12 January 1940.^a

14 EE-42. The revision of the Imperial
 15 Ordinance on the "Organization of the War Ministry
 16 and One Other Subject" was approved by the Privy
 17 Council on 6 May 1936. HIRANUMA was Chairman of the
 18 Investigation Committee which recommended to the
 19 Council the revision, according to which the Ministers
 20 and Vice-Ministers of War or of the Navy had to be
 21 selected from generals or admirals on active service.^a

23 EE-40.

24 a. Liebert; Ex. 850, T. 8421.

24 b. Liebert; Ex. 850, T. 8422.

25 EE-41.

a. Ex. 1307-A, T. 11770.

EE-42.

a. Ex. 2367, T. 18183-88.

1 EE-43. On 10 June 1936 a treaty between
 2 Japan and Manchukuo was concluded under which
 3 Japanese residents in Manchukuo could enjoy the
 4 same privileges as those enjoyed by Manchukuoans,
 5 especially regarding the enjoyment of all rights
 6 relating to land.^a A supplemental agreement favored
 7 Japanese subjects on matters of taxation, fines and
 8 penalties and judicial procedure.^b
 9

10 EE-44. The first step in the creation of
 11 the so-called "Axis" was taken by Japan in 1936, the
 12 year Japan's withdrawal from the Washington Naval
 13 Limitation Treaty of 1922 became effective.^a On
 14 25 November 1936 Japan and Germany concluded the Anti-
 15 Comintern Pact (in 1937 Italy adhered) which pact
 16 was, according to Hull, "ostensibly for self-protection
 17 against Communism, actually it was a preparatory move
 18 for subsequent measures of forceful expansion by the
 19 bandit nations. . ." ^b The treaty was ratified by
 20 the Privy Council on 29 November 1936.^c A Secret
 21 Pact was attached, directed specifically against the
 22 Soviet Union which provided that "in case one of the
 23 signatory powers is attacked or threatened with attack
 24

25 EE-43.

a. Ex. 237, T. 2944.

b. Ex. 238, T. 2949-59.

EE-44.

a. Ex. 1106, T. 10111.

b. Ex. 1106, T. 10111.

c. Ex. 484, T. 5958.

1 by the Soviet Union without provocation, the other
 2 signatory party shall refrain from taking any measure
 3 likely to result in any diminution of the burden of
 4 the Soviet Union's position, and the two signatories
 5 shall immediately discuss measures to be taken for
 6 the protection of their mutual interests."^d.

7 HIRANUMA as President of the Council, announced that
 8 the draft was unanimously approved.^e.

9 EE-45. In January 1937, HIRANUMA attended
 10 a Privy Council meeting which approved the appointment
 11 of Naval Officers as administrators of the South
 12 Seas Islands in furtherance of plans for fortifying
 13 the Mandated Islands.^a.

14 EE-46. On 30 March 1937, Japan refused to
 15 accept the fourteen-inch naval gun limitation agreed
 16 to by the British Commonwealth of Nations, France
 17 and the United States in 1936 at London thereby taking
 18 the first step towards a new naval race.^a.

19 EE-47. Delivering no declaration of war,
 20 Japan on 7 July 1937, invaded China, south of the
 21 Great Wall.^a.

22 EE-48. The League of Nations in the first

23 EE-44.

24 d. Ex. 484, T. 5960.

25 e. Ex. 484, T. 5972.

EE-46.

a. Ex. 58, T. 9226.

EE-45.

a. Ex. 909-A, T. 9158-B.

EE-47.

a. Ex. 199, T. 2326.

1 report adopted on 6 October 1937, found that the
 2 military operations by Japan against China could not
 3 be justified on the basis of existing legal instru-
 4 ments nor on that of "the right of self-defense and
 5 that it is in contravention of Japan's obligations
 6 under the Nine-Power Treaty . . . and . . . the Pact
 7 of Paris."^a.

8 EE-49. In refusing to attend the Nine-
 9 Power Treaty meeting to be held at Brussels, Japan
 10 stated, 27 October 1937, that her declination was
 11 based upon the declaration of the League of Nations
 12 that the military operations of Japan in China
 13 violated the Nine-Power Treaty.^a.

14 EE-50. The new formula adopted by Japan
 15 and set forth in this communication was that Japan's
 16 action was a measure of self-defense which she had
 17 been compelled to take in the face of China's violent
 18 and anti-Japanese policy and practice and was there-
 19 fore outside the purview of the Nine-Power Treaty.^a.

20 EE-51. On 14 December 1937, the Provisional
 21 Chinese Government was established in Peking.^a.

22 EE-52. During 1936 July and August 1938,

23 EE-48. EE-50.
 24 a. Ex. 962, T. 9475. a. Ex. 954-B, T. 9447.

25 EE-49. EE-51.
 a. Ex. 954-B, T. 9447. a. Ex. 463-A, T. 5297.

without a declaration of war, Japan attacked the
 1 territory of the Soviet Union at Lake Khasan and
 2 Mount Zaozernaya.^a The details of this attack are
 3 set forth in paragraphs H-96 - H-108 of the general
 4 summation.

5 EE-53. The Privy Council on 2 March 1938
 6 decided to terminate the cooperative relations with
 7 the various organs of the League of Nations.^a

8 EE-54. On 3 November 1938, the Japanese
 9 Government issued an official statement concerning the
 10 future of East Asia, after the main territory of
 11 China had been conquered and the National Government
 12 had been reduced to a local regime. According to the
 13 statement, the ultimate aim of Japan was to establish
 14 a "New Order in East Asia" to accomplish which firm
 15 steps were to be taken to renovate the various
 16 internal systems and to develop the total power of
 17 the nation.^a

18 EE-55. On 22 November 1938 the Privy
 19 Council agreed to the conclusion of a Cultural Pact
 20 with Germany,^a according to which the essence of the

22	<u>EE-52.</u>	<u>EE-53.</u>
23	a. Tereshkin, T. 7767-76;	a. Ex. 271, T. 3641.
	Ex. 753, T. 7755;	
24	Ex. 755, T. 7808-11;	<u>EE-54.</u>
	Ex. 756, T. 7811-12;	a. Ex. 1295, T. 11695-97.
25	Ex. 3854, T. 38288;	<u>EE-55.</u>
	Ex. 2175, T. 15541.	a. Ex. 589, T. 6573.

1 culture of Japan and Germany consisted "of the
2 characteristic spirit of Japan on the one part and
3 the racial and national life of Germany on the
4 other." While the agreement purported to be con-
5 fined to cultural matters at least one councillor
6 feared the "agreement may bring about some kind of
7 influence politically."

8 EE-56. On 26 December 1938, HIRANUMA
9 insisted that KONOYE's first cabinet not resign, as
10 it might interfere with the Wang Ching Wei plot to
11 establish a puppet government in China, which plot,
12 at the time, was proceeding steadily.^a

13 PREMIER

14 EE-57. On 5 January 1939 HIRANUMA became
15 Prime Minister and the accused who were members of
16 his cabinet are KIDO, ITAGAKI, ARAKI and KOISO.

17 EE-58. As premier, HIRANUMA was President
18 of the China Affairs Board which was established on
19 16 December 1938 with branch offices in Shanghai,
20 Peiping, Amoy and Kalgan. The Ministers of War, Navy,
21 Finance and Foreign Affairs were vice presidents of
22 the board.^a The control of opium in China was in
23 the hands of this board.^b It studied the needs of
24

25 EE-56.

a. Ex. 2265, T. 16231.

EE-58.

a. Ex. 389, T. 4761.

b. SATOMI, T. 4883.

1 opium in different parts of China and arranged for
 2 its distribution from Mongolia to North, Central
 3 and South China, distribution being made through
 4 Chinese organizations.^c During HIRANUMA's premier-
 5 ship, opium production increased generally in areas
 6 controlled by Japan.^d

7 EE-59. ITAGAKI remained as War Minister
 8 upon the request of HIRANUMA, but only after he had
 9 served upon HIRANUMA the following conditions decided
 10 upon by the Conference of the Army Senior Chiefs:
 11 (1) the aims of the China War should be in accord-
 12 ance with the decision of the Imperial Conference
 13 and with fixed policies, and the Declaration of
 14 December 22, 1938, regarding China should be adopted
 15 in its entirety; (2) the plan for national defense
 16 should be established with the expansion of armaments
 17 as its aim; (3) the relations among Japan, Germany
 18 and Italy should be strengthened; (4) the system of
 19 total mobilization should be reinforced and the function
 20 of the Planning Board should be expanded; (5) produc-
 21 tion should be increased; (6) the national morale

23 EE-58.

24 c. Ex. 389, T. 4763.	
d. Ex. 372, T. 4667-69;	Ex. 413, T. 4838-44;
Ex. 382, T. 4711;	Ex. 427, T. 4896;
Ex. 387, T. 4750;	Ex. 429, T. 4912;
Ex. 403, T. 4813;	Ex. 432, T. 4924;
Ex. 417, T. 4866;	Ex. 433, T. 4929;
Ex. 421, T. 4871;	Ex. 842, T. 8389.

should be stimulated; (7) and trade should be
increased.^{a.}

EE-60. On direct examination,^{a.} ITAGAKI
recalled having a conversation with HIRANUMA who said
the principle task of his cabinet would be the
speedy settlement of the China Incident, a policy
inherited from the previous cabinet and therefore,
ITAGAKI, as War Minister in the previous cabinet
should remain in the same post in the new cabinet.
ITAGAKI also recalled HIRANUMA's telling him that
he would like to dispose of the strengthening of the
"Tripartite Anti-Comintern Pact" after the formation
of his cabinet. ITAGAKI admitted that he entrusted
the Vice Minister of War, YAMAWAKI, a defense
witness, to serve as his messenger to notify HIRANUMA
of his acceptance, but he denied that he knew of a
paper being delivered containing the seven conditions.
YAMAWAKI testified, and thereby squarely contradicted
ITAGAKI, that he left with a Mr. SHIONO^{b.} at the
headquarters for the formation of the HIRANUMA
Cabinet^{c.} "the conditions for General ITAGAKI's
acceptance of the request to remain in office."^{d.}

EE-59.

a. Ex. 3303, T. 30121.

EE-60.

b. YAMAWAKI, T. 30119.

c. ITAGAKI, T. 30336.

d. YAMAWAKI, T. 30119.

EE-60.

a. ITAGAKI, T. 30334-36.

THE PRESIDENT: We will adjourn until
1 half-past one.

2 (Whereupon, at 120), a recess was taken.)
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AFTERNOON SESSION

1 The Tribunal met, pursuant to recess, at 1330.

2
3 MARSHAL OF THE COURT: The International
4 Military Tribunal for the Far East is now resumed.

5 THE PRESIDENT: Before you commence, Mr.
6 Eng^l sh, the processing department is standing by
7 with their staff, machines and material to do any
8 defense summations that may be submitted. So far
9 they have received only one. They are prepared to
10 work during the next three days, that is to say,
11 Saturday, Sunday and Monday.
12

13 I see only one defense counsel in court.
14 There are now two American defense counsel in court.
15 I would ask the English reporter to read what I have
16 just said.

17 (Whereupon, the official court re-
18 porter read as follows: "Before you commence,
19 Mr. English, the processing department is
20 standing by with their staff, machines and
21 material to do any defense summations that
22 may be submitted. So far they have received
23 only one. They are prepared to work during
24 the next three days, that is to say, Saturday,
25 Sunday and Monday.")

THE PRESIDENT: Yes, Mr. English.

1 MR. ENGLISH: EE-61. In view of this, it
2 is readily seen that HIRANUMA and ITAGAKI, together
3 with the Army Senior Chiefs, made a "deal," the
4 terms of which appeared ~~as~~ the seven conditions
5 mentioned above. The fulfillment of these conditions
6 was the prime object of the HIRANUMA Cabinet.

7 EE-62. HIRANUMA continued ARITA as Foreign
8 Minister in his cabinet. ARITA was appointed by
9 KONOYE as Foreign Minister in his first cabinet in
10 November 1938. Upon his appointment as Foreign Min-
11 ister, a new policy in dealing with other countries
12 was decided upon, whereby it was decided to avoid
13 all phraseology that would affirm the principles of
14 the Nine Power Pact, and to make them understand that
15 the existing rights and interests of third powers in
16 China would be respected but not as a corollary of the
17 Pact, and that the standard laws governing the future
18 economic activities by third powers in China were to
19 be established in conformity with the new conditions. ^{a.}
20

21 EE-63. On 21 November 1938, ARITA told Grew
22 that it was impossible for Japan to recognize the
23 unconditional application of equal opportunity and
24 the open door when the state of affairs had changed
25 (EE-62. a. Ex. 989, T. 9573-76)

1 in China. He went on to assert that "Japan's Open
2 Door Policy" and "Principles of Equal Opportunity"
3 might clash with the rights and interests of third
4 powers and implied that measures necessary to foster
5 a closer relationship between Japan and China and to
6 insure their existence, might necessitate at times
7 eliminating the application of these principles to
8 some extent.
a.

9 EE-64. On 21 January 1939, HIRANUMA addressed
10 the Diet and assured it that his cabinet was com-
11 mitted to the same policy as the previous one and
12 that he was determined, at all costs, to carry it out
13 in order to lay the foundation of prosperity and pro-
14 gress in East Asia through the cooperation of Japan,
15 Manchukuo and China in political, cultural and economic
16 spheres. There must be a new order to replace the
17 old, he said, and he hoped that the Chinese would under-
18 stand this correctly, and cooperate with the Japanese.
19 There was no alternative, he concluded, but to exter-
20minate those who persisted in opposition against Japan.
a.

21 EE-65. Surely these are not the words of a
22 man of peace, of a government pursuing, to use his
23 own term, a "moral diplomacy"
24 or of a person who
a.

25 (EE-63. a. Ex. 989. T. 9581)

(EE-64. a. Ex. 2229-A, T. 15988-89)

(EE-65. a. Ex. 3225, T. 29225)

1 believed that the men charged with the destinies of
2 nations should have as an important objective "a sta-
3 bilized peace to replace interludes of preparation
4 for the next war;" but rather they are the words of
5 one determined to continue the aggressive war then
6 being waged in China and to carry out "at all costs"
7 the aggressive policies of his predecessor KONOYE,
8 during whose first premiership Japan, without a declar-
9 ation of war, invaded China south of the Great Wall
10 on 7 July 1937; passed the General Mobilization Law,
11 thereby providing the basis for a totalitarian state
12 in Japan; and formulated the policy that the ultimate
13 aim of Japan was to establish a new order in East
14 Asia -- a policy that led Japan on its southward march
15 from China to Pearl Harbor. Such was the policy and
16 ambition of HIRANUMA. He so stated it himself.

17 EE-66. One of the first acts of the HIRANUMA
18 Cabinet was to approve on 17 January 1939 a Plan for
19 the Expansion of Productive Power prepared by the
20 Cabinet Planning Board,^a the preamble of which in sub-
21 stance outlined the object and policy in the same terms
22 as those found in a plan drafted by the War Ministry
23 on 10 June 1937^{b.} to provide the materials required by
24 another plan previously drafted by the War Ministry

(EE-66. a. Ex. 842, T. 8270
b. Ex. 842, T. 8269)

on 29 May 1937, the object of which was the development of important industries by 1941, so that, in case of need, Japan could be self-sufficient in important materials.^{c.}

EE-67. The plan of the HIRANUMA Cabinet of 1939 included within its scope a third plan drafted by the War Ministry on 23 June 1937 which had as its object the perfection of war preparedness and the realization of the plans mentioned in the preceding paragraphs, particularly in connection with the unification of army policies regarding the expansion, cultivation and control of munition industries.^{a.}

EE-68. This cabinet plan aimed at the repletion and strengthening of Japan's national power for the establishment of a comprehensive productive power expansion plan for Japan, Manchukuo and China, in order to bring about the realization of the necessary goal in regard to important national defense and basic industries by 1941 so as to be prepared for the epochal development of Japan's future destiny, the attainment of which was expected at all costs.^{a.} It also aimed at the establishment of self-sufficiency in regard to

(EE-66. c. Ex. 842, T. 8264).
(EE-67. a. Ex. 841, T. 8260-63)
(EE-68. a. Ex. 842, T. 8271)

1 important resources within the sphere of Japan's
2 influence, thereby avoiding as far as possible being
3 dependent upon the resources of third powers in time
4 of an emergency.^{b.}

5 EE-69-70. The plan of the HIRANUMA Cabinet,
6 embodying as it did the substance of the three plans
7 drafted by the War Ministry at a time when Japan was
8 preparing for her war of aggression in China, and
9 approved by the cabinet in 1939 when Japan was waging
10 a war of aggression in China leads to no other con-
11 clusion than that the plan had for its purpose the
12 economic mobilization of the nation for aggressive
13 warfare.

14 EE-71. In May 1938, the National General
15 Mobilization Law was enacted^a which provided for the
16 total mobilization of the personal and material re-
17 sources of the nation.^{b.} This law was specifically
18 referred to in the Plan for the Expansion of Productive
19 Power approved by the HIRANUMA Cabinet in 1939, and
20 according to which the government was to take measures,
21 if necessary, to enforce the National Mobilization Law.^{c.}

22 EE-72. Pursuant to the plan adopted by the
23 (EE-68. b. Ex. 842, T. 8272)

24 (EE-71. a. Ex. 84, T. 684
25 b. Ex. 862-A, T. 8789-8801; Ex. 863-A
c. Ex. 842, p.4)

1 Cabinet, national policies companies were organized
2 from time to time for the purpose of entering into
3 business directly to develop a specific industry or
4 for the purpose of exploiting and developing foreign
5 territories.^{a.} The Korea Magnesite Development Company
6 was formed on 19 June 1939, with a capitalization of
7 ¥15,000,000 for the purpose of developing magnesite
8 mining and the control and sale thereof.^{b.} The Japan
9 Electric Power Company was formed 1 April 1939 for the
10 purpose of effecting a unity in the production and
11 distribution of electric power within Japan proper.
12 It was given monopolistic powers under the control of
13 the government.^{c.} The Japan Rice Company was formed on
14 25 July 1939 for the purpose of effecting a monopoly
15 in the purchase and sale of rice. It had a capitaliza-
16 tion of ¥30,000,000 and was one of the means used to
17 control the price of foodstuffs since rice constituted
18 the major item of the Japanese diet.^{d.} On 10 August
19 1939, the Imperial Mines Development Company was formed
20 for the purpose of developing the mining industry of
21 Japan and the sale of its products. Its original cap-
22 italization was ¥30,000,000 but this was increased
23
24 (EE-72. a. Ex. 840, T. 8475
25 b. Ex. 840, T. 8532
c. Ex. 840, T. 8532
d. Ex. 840, T. 8533)

1 later to ¥90,000,000. One of the prime functions of
2 this company was to assist private enterprise in de-
3 veloping the natural resources of the country in ac-
4 cordance with the national policy.^{e.}

5 EE-73. In March 1939, the government was
6 authorized to make compulsory purchases of all gold
7 which had the effect of throwing all gold and gold
8 articles in Japan into the hands of the government
9 where it could be used for essential foreign exchange.^{a.}

10 EE-74. On 5 April 1939, the Shipbuilding
11 Industry Law was promulgated to provide for subsidies
12 and loss indemnification and a system of controls was
13 instituted and rigidly enforced.^{a.}

14 EE-75. Industry. One of the first important
15 ordinances affecting industry promulgated pursuant to
16 the National General Mobilization Law was the ordinance
17 concerning the Plan by the Promoter of a Business
18 for General Mobilization dated 26 July 1939, which
19 provided that the Ministries of War and Navy could call
20 in the owners or promoters of selected businesses,
21 named pursuant to the ordinance under the National
22 General Mobilization Law, and order such persons to

24 (EE-72. e. Ex. 840, T. 8533)
25 (EE-73. a. Ex. 840, T. 8517)
(EE-74. a. Ex. 840, T. 8320)

1 make plans for production following a set national
 2 production schedule. Under this ordinance the War and
 3 Navy Ministries were given power to force business to
 4 cooperate fully in the execution of army and navy
 5 plans to the fullest extent of their facilities and
 6 ^{a.} skills.

7 EE-76. On 16 August 1939, by decree of the
 8 Commerce and Industries Ministry there was promulgated
 9 the Coal Sales Control Regulations which permitted
 10 large sales of coal only to named distributors carry-
 11 ing out government policy and by the control of sales
 12 ^{a.} specialized production was brought about.

13 EE-77. During HIRANUMA's premiership, mili-
 14 tary and naval preparations were increased. Of a total
 15 budget of ¥8,952,463,000, ¥6,417,646,999 were allocated
 16 to the armed forces, approximately ¥400,000,000 in
 17 ^{a.} excess of the amount allocated in 1938.

18 EE-78. The standing army of Japan increased
 19 ^{a.} from 1,130,000 to 1,240,000 and by a military con-
 20 scription policy functioning through a Military Service
 21 Law provided a large number of reserves. This law
 22 was amended on 8 March 1939 promulgating amending
 23

24 (EE-75. a. Ex. 840, T. 8402)
 25 (EE-76. a. Ex. 840, T. 8298)
 (EE-77. a. Ex. 840, T. 8542)
 (EE-78. a. Ex. 880, T. 9074-6)

1 regulations for military service, conscription of ex-
 2 servicemen; postponement for conscription for stu-
 3 dents and abrogation of the short-term conscription
 4 service system. A few weeks later, on 25 March 1939,
 5 Law No. 25 for safeguarding secrets of military material
 6 resources was promulgated aiming at the prevention of
 7 leakage of information on manpower and material re-
 8 sources.
 b.

9 EE-79. The Island of Hainan was taken by
 10 a surprise attack and occupied on 10 February 1939,
 11 and the Spratley Islands, a French possession off
 12 the eastern coast of French Indo-China, were also occu-
 13 pied by Japanese troops on 31 March 1939.
 b.

14 EE-80. On 11 May 1939 the Japanese forces
 15 trespassed the border of the Mongolian People's Repub-
 16 lic. It was the commencement of fighting in the Khal-
 17 kin-Gol River area which continued from May through
 18 September, 1939, and which has been described in Para-
 19 graphs H-109-H-123 of the general Summation. As his
 20 testimony shows, HIRANUMA was advised of this fighting
 21 by War Minister ITAGAKI.
 a.

22 EE-81. The Youth Training School, which

23 (EE-78. b. Ex. 840, T. 8664)

24 (EE-79. a. Judicially noticed - T. 6143

25 b. Ex. 512, T. 6145)

(EE-80. a. Ex. 766, T. 7246; Ex. 768-A, T. 7853;
 Ex. 3857, T. 38360; Ex. 3862, T. 38531)

provided, among other things, for the military training of students and which had been in effect in Japan for many years, became compulsory in 1939 at which time the school was renamed the "Youth School" and the training course became independent of gymnastics.^a

EE-82. Even before becoming Premier, HIRANUMA was active in the Wang plot, having insisted in December 1938 that KONOYE's first cabinet not resign, as the resignation might interfere with Japan's attempt to establish a puppet government in China.^a

EE-83. After he became premier on 10 June 1939, Wang had an interview with HIRANUMA regarding the establishment of the new government in China. HIRANUMA assured Wang that his cabinet inherited the ideas of the KONOYE statement and was adhering to them firmly, and he expressed his approval of Wang and the peace policy, stating that Japan was ready to lend absolute assistance and support in response to his decisive will.^a

(EE-81, a. Ex. 2377, T. 18448-57)

(EE-82, a. Ex. 2265, T. 16231)

(EE-83, a. Ex. 2721, T. 23991)

1 FE-84. Four days before the meeting between
2 HIRANUMA and Wang, a Five Ministers Conference on 6
3 June 1939 decided the terms for the establishment of
4 a New Central Government in China^{a.} the provisions of
5 which show the puppet character of the government
6 about to be established. Wang had an interview not
7 only with HIRANUMA but also with ITAGAKI, the War
8 Minister, and KONOYE who at the time was a member of
9 HIRANUMA's cabinet.^{b.} Not only did HIRANUMA play an
10 active part in the creation of the puppet government
11 in Central China, but he also as President of the
12 China Affairs Board by virtue of his being premier
13 played a similar part in the establishment of a
14 puppet government in North China as can be seen from
15 a decision of the board which on 23 June 1939 decided
16 to appropriate huge sums of money from the surplus of
17 the Chinese Maritime Customs Revenues for the purpose
18 of inducing Wu Pei-Fu to head another puppet govern-
19 ment in North China.^{c.}

21 FE-85. Relations with Germany had been
22 developing since the conclusion of the Anti-Comintern
23 Pact in 1936. This development continued during the
24 HIRANUMA premiership the Pact being strengthened

25 (EE-84. a. Ex. 3742, T. 37386
b. Ex. 2721, T. 33990-96
c. Ex. 3743, T. 37393-95)

1 quantitatively by the adherence of Hungary and Man-
 2 chukuo on 25 February 1939,^{a.} and Spain on 27 March
 3 1939.^{b.} In March 1939, the HIRANUMA Cabinet orally
 4 agreed to give Germany preferential treatment in
 5 China^{c.} and on 23 March 1939 Japan concluded with
 6 Italy a cultural agreement^{d.} similar to that concluded
 7 with Germany on 22 November 1938, agreements which
 8 ostensibly cultural in character, were in fact in-
 9 struments for use in developing the political rela-
 10 tions among the three countries.^{e.} All of the meet-
 11 ings of the Privy Council ratifying these agreements
 12 were attended by HIRANUMA, either as President there-
 13 of or as Premier.

14 EE-96. The most important political problem
 15 facing HIRANUMA was the question of the military
 16 alliance with Germany which had been advanced during
 17 the latter part of KONOYE's first term as Premier.
 18 But divergent views as to the scope of the alliance
 19 existed, with ITAGAKI and the Finance Minister favor-
 20 ing an outright military alliance and the Foreign and
 21 the Navy Ministers opposing an alliance of such scope.
 22

23 EE-87. After more than seventy meetings of

24 (EE-85. a. Ex. 491, T. 6037 (EE-86. a. Ex. 504,
 25 b. Ex. 493, T. 6045 T. 6108)
 c. Ex. 596, T. 6623-24
 d. Ex. 38, T. 499, 515
 e. Ex. 590, T. 6583)

1 the Five Ministers' Conference, HIRANUMA secured a
2 compromise which accepted the principle of an un-
3 limited alliance with certain reservations,^{e.} and
4 which took the form of the "HIRANUMA Declaration" of
5 4 May 1939 -- a communication addressed by HIRANUMA
6 to Hitler. The declaration states in part:

7 "I cherish great admiration for the lofty
8 wisdom and the iron will with which His Excel-
9 lency, Chancellor of the German Government,
10 Hitler, is working at the noble task of the re-
11 construction of his country and at the estab-
12 lishment of an international peace founded upon
13 the principles of justice.

14 "I, for my part, as Japanese Prime Minister,
15 am likewise occupied with the strengthening of
16 peace and with the maintenance of a New Order
17 in East Asia founded on the principles of justice
18 and morality.

19 "In this splendid hour it is a confirmed
20 joy to me how effective the Anti-Comintern Agree-
21 ment between our two countries proves itself in
22 the execution of the tasks placed before them.
23 And today if I have in view the conclusion of an
24 agreement, to strengthen the Anti-Comintern Pact
25

(EF-87. a. Ex. 504, T. 6110)

1 and to make closer the cooperation between
2 Japan, Germany and Italy, this does not occur
3 just out of a consideration of the more expedi-
4 ency of it, but in the hope that in that way we
5 may contribute to the consolidation of a world
6 peace founded upon justice and morality in con-
7 sciousness of our common tasks now. As far as
8 the strengthening of our relations is concerned,
9 I can affirm that Japan is firmly and stead-
10 fastly resolved to stand at the side of Germany
11 and Italy even if one of those two powers were
12 attacked by one or several powers without the
13 participation of the Soviet Union and to afford
14 them political and economic aid, to the extent
15 possible to her power, military assistance.

16 "In spite of this Japan is ready, in accord-
17 ance with the provisions of such an agreement to
18 take up the military support of Germany and
19 Italy; however, Japan is, in view of the situ-
20 ation in which it now finds itself, neither
21 presently nor in the near future able to extend
22 to them in a practical manner any effective mil-
23 itary aid. However, it goes without saying that
24 Japan would gladly grant this support if it should
25 become possible through a change in the

circumstances."

1 EE-88. Shortly after sending the declaration,
2 the Cabinet endeavored to come to a final decision
3 regarding an all out alliance as Japan had been ad-
4 vised that a German-Italian Pact was to be signed in
5 May 1939.^{a.} On 5 June 1939 the final decision was
6 reached, according to which participation in a German
7 war against England and France was conceded, with the
8 reservation that Japan wished to secure the right to
9 choose a favorable time for entering the war.^{b.}

10 EE-89. But Japan having waited too long,
11 Germany, on 23 August 1939, concluded with Russia a
12 non-aggression pact.^{a.} Five days later HIRANUMA and
13 his Cabinet resigned.^{b.}

14 ##-90. During the negotiations where do we
15 find HIRANUMA: with those demanding an all-out
16 alliance or with those insisting upon one more limited
17 in scope? That he favored an alliance of some kind
18 there is no doubt, as he committed himself to the
19 policy of his predecessor KONOYE, during whose first
20 term, as was noted above, the question of an alliance
21 first arose. Three days after becoming Premier he
22 openly favored an alliance^{a.} and in April 1939, he was
23 (EE-88. a. Ex. 486K, T. 6115 (EE-90. a. Ex. 499a, T. 6092
24 b. Ex. 614, T. 6793) Ex. 500, T. 6094)
25 (EE-89. a. Judicially noticed T 6120
b. Ex. 2272, T. 16240)

1 of the opinion that the Army's plan was essentially
2 right and, desiring to settle the deadlock, which had
3 arisen at the Five Ministers' Conference, according
4 to this plan, he endeavored to secure the cooperation
5 of the Lord Keeper of the Privy Seal in order to ob-
6 tain the understanding of the Emperor regarding the
7 Army's demands.^{b.} To this end HIRANUMA sought the
8 help of KIDO, then Home Minister, just as did ITAGAKI
9 a few months later -- only instead of working through
10 KIDO, ITAGAKI used KONOYE in his effort to change the
11 Emperor's mind in favor of the Army's plan.^{c.}

12 EE-91. In his declaration to Hitler of
13 4 May 1939, he affirmed that Japan was resolved to
14 render to Germany and Italy not only political and
15 economic assistance but, to the extent possible to her,
16 military assistance, appealing at the same time for
17 closer rapprochement with Hitler who, he declared,
18 was working at the noble task of the reconstruction of
19 Germany and at the establishment of an international
20 peace founded upon the principles of justice, just as
21 he, HIRANUMA, was occupied with the strengthening of
22 peace and with the maintenance of a New Order in East
23 Asia founded on the principles of justice and morality.^{a.}

25 (EE-90. b. Ex. 3799a, T. 37789.
c. Ex. 3805a, T. 37840)
(EE-91. a. Ex. 503, T. 6104)

EE-92. If justice be the rendering to others
1 their just due and if morality is the quality of that
2 which conforms to right ideals or principles of human
3 conduct, the actions of both Germany and Japan, which
4 need not be listed herein, leads to the conclusion
5 that the principles of justice and morality common to
6 Hitler and HIRANUMA, as set forth by HIRANUMA in his
7 declaration to Hitler were not only distorted in con-
8 ception but also diabolical in application.

9 ##-93. Regarding his declaration, HIRANUMA
10 did not consider that a reply was necessary because
11 the matter had already been solved when OSHIMA had
12 answered "yes" to Ribbentrop's question as to whether
13 Japan could be considered a participant in the event
14 of war between England-France and Germany and Italy,
15 even if no military aid, at the time, would be forth-
16 coming.^{a.}

17 ##-94. HIRANUMA refused to make OSHIMA^a
18 retract the answer when requested to do so by ARITA^a
19 who thought OSHIMA's answer inexcusable and felt that
20 the matter would cause considerable difficulty at
21 the Five Ministers' Conference, because HIRANUMA
22 desired to support the opinion of the War Minister and
23 (EE-93. a. Ex. 3802A, T. 37824-25.)
24 (EE-94. a. Ex. 3803, T. 37825-27.)
25

1 OSHIMA rather than to remain neutral. Because of the
 2 attitude of HIRANUMA and the War Minister, ARITA
 3 threatened to resign,^{b.} and the Navy Minister became
 4 enraged.^{c.} Ott confirmed this matter in a telegram
 5 to Ribbentrop on 5 June 1939 stating that HIRANUMA
 6 and the Foreign Minister have agreed to the understand-
 7 ing that Japan would participate in the war against
 8 England and France with certain reservations by which
 9 Japan wished to secure the right to choose a favorable
 10 time for entering the war.^d

11 EE-95. In view of the foregoing, there can
 12 be no doubt that HIRANUMA supported his War Minister
 13 ITAGAKI and the Army's plan throughout until the final
 14 decision was made by the Five Ministers' Conference
 15 of 5 June 1939.

16 EE-96. During 1939 when Premier HIRANUMA, in
 17 Japan, was building the New Order in East Asia upon
 18 the basis of justice and morality, the Japanese Air
 19 Force in China was bombing American property, which
 20 had been clearly marked and the location thereof
 21 previously reported, with accompanying maps, to the
 22 Japanese authorities.^{e.}

23 EE-97. The fact that indiscriminate bombing
 24 (EE-94. b. Ex. 3801C, T. 37823 (EE-96. a. Ex. 985,
 25 c. Ex. 3803B, T. 37829 T. 9559)
 d. Ex. 614, T. 6795.)

1 of civilian population was taking place and that un-
2 warranted restrictions and discriminations had been
3 placed upon British and American persons and business
4 enterprises in China was called to the attention of
5 the Japanese Government by England and the United
6 States.^{a.} As these bombings and discriminations con-
7 tinued after repeated protests, the United States
8 notified Japan on 26 July 1939 of its intentions to
9 withdraw from the Treaty of Commerce and Navigation
10 which had been signed in Washington on 21 February
11 b.
12 1911.

13 ##-98. As was previously mentioned, HIRANUMA
14 and his Cabinet resigned on 28 August 1939 because of
15 his failure to conclude the alliance with Germany, but
16 it will be recalled that HIRANUMA agreed to the seven
17 conditions of ITAGAKI and the Army Senior Chiefs. All
18 but one were fulfilled. HIRANUMA failed to conclude
19 the alliance with Germany, but he did succeed in com-
20 plying with the others. He adopted KONOYE's declar-
21 ation of 22 December 1938 regarding China and the China
22 war; the military forces and armaments were strengthened,
23 production was expanded and a plan for the total
24 mobilization of the nation adopted.

25 (BE-97. a. Ex. 992, T. 9598.
b. Ex. 994, T. 9602.)

STATE MINISTER

EE-99. On 6 December 1940 and 21 December 1940, HIRANUMA was Minister without Portfolio and Home Minister, respectively, in the Second KONOYE Cabinet, and on 18 July 1941, he was appointed Minister without Portfolio in the Third KONOYE Cabinet.

EE-100. HIRANUMA supported the appointment of KONOYE to succeed YONAI at the Senior Statesmen's Meeting of 17 July 1940,^{a.} and by joining KONOYE's Cabinet he adopted its policies.

EE-101. During the 1941 negotiations HIRANUMA participated in the American-Japanese negotiations.^{a.}

EE-102. From 13 January to 21 July 1941 HIRANUMA attended most of the Liaison Conferences held between these dates which decided the policy towards French Indo-China and Thailand preparatory to Japan's Southward march.^{a.} Air bases and harbor facilities were to be established and troops were to be stationed in the southern part of French Indo-China by "force of arms," if necessary,^{b.} and plans were determined to obligate France and Thailand by secret agreement whereby they would conduct no military or political agreement

(EE-100. a. Ex. 532, T. 6249)
 (EE-101. a. Ex. 3227, T. 29243.)
 (EE-102. a. Ex. 1303, T. 11744,
 b. Ex. 556, T. 6560
 Ex. 647A, T. 7061.
 Ex. 1095, T. 10028.
 Ex. 1306, T. 11753.)

c.
with third powers.

1 EE-103. On 16 January 1941, a list of
2 Japanese demands containing most of the measures for
3 the economic development of the Netherlands East Indies
4 decided upon by the Cabinet on 25 October 1940 was
5 presented to the Netherlands Indies authorities.
6

7 EE-104. When HIRANUMA was Home Minister,
8 Japan's population policy was decided at a cabinet
9 meeting of 22 January 1941 according to which the goal
10 of 100 million for 1945 was set. The physical and
11 spiritual training of the youths of Japan were to be
12 intensified so as to make them a good source of mili-
13 tary and labor forces.
a.

14 EE-105. A cabinet meeting of 7 March 1941
15 decided that the detailed regulations regarding the
16 application of revised National Mobilization Law were
17 to go into effect March 20.
a.

18 EE-106. Early in 1941, the manufacture of
19 military currency for use in areas to be occupied
20 by Japan was decreed.
a.

21 EE-107. In a telegram dated 18 May 1941,
22 Ott referred to a statement by MATSUOKA that "during

23 (FE-102. c. Ex. 564, T. 6446.)
24 (FE-103. a. Ex. 1309A, T. 11832)
25 (FE-104. a. Ex. 1067, T. 9879
Ex. 865, T. 8810)
(FE-105. a. Ex. 1055, T. 9842.)
(FE-106. a. Ex. 852, T. 8452.)

1 a secret cabinet session, he (MATSUOKA) had called
2 upon all members of the government clearly to acknow-
3 ledge Japan's obligation under the Tripartite Pact
4 on their part too, in all of their conversations.
5 All members of the cabinet had agreed unanimously." a.
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24 (EE-107. a. Ex. 1073, T. 9911)
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1 EE-108. On 22 June 1941 Germany attacked
2 Russia. At that time, MATSUOKA, the Foreign Minister,
3 advocated an advance "to both the northern and the
4 southern regions."^{a.} On the other hand, Premier
5 KONOYE and the majority of cabinet members, maintained
6 the view that nothing should be done that would injure
7 Japan's military position in China; therefore, Japan's
8 grip on Indo-China should be tightened.^{b.} HIRANUMA
9 agreed with KONOYE's views.^{c.} The Liaison Conference
10 of 25 June 1941, which HIRANUMA attended as Home
11 Minister, sustained the Premier, and the action of
12 the conference was ratified by the Imperial Conference
13 of 2 July 1941.^{d.}

15 EE-109. HIRANUMA, as Home Minister, attended
16 the Imperial Conference of 2 July 1941, which adopted
17 resolutions concerning the Japanese-American negotia-
18 tions. It was decided that Japan would adhere to
19 the principle of establishing a Greater East Asia
20 Co-Prosperity Sphere; that she would continue the
21 disposition of the China Incident and would step up
22 the southward advance; that the northern problems
23 (Russia) would be dealt with according to the changes
24 in the situation; and that Japan would remove all

25 EE-108. a. Ex. 1093, T. 10021. d. Ex. 1306, T. 11753.
b. Ex. 1097, T. 10035.
c. Ex. 1093, T. 10021.

1 obstacles for the achievement of the foregoing.
 2 Preparations for war against Great Britain and the
 3 United States were to be made and her schemes against
 4 French Indo-China and Thailand were to be executed.
 5 While Japan would not for a while intervene in the
 6 German-Soviet war she would take voluntary measures
 7 by secretly preparing arms against Russia. In case
 8 America enters the war Japan would act according to
 9 the Tripartite Pact.^{a.}

10 EE-110. In the face of President Roosevelt's
 11 proposal of July 24, 1941, that French Indo-China be-
 12 come a neutralized country giving Japan the fullest
 13 and freest opportunity of assuring a source of food,
 14 supplies, and other materials which Japan claimed she
 15 was seeking^{a.} and despite the fact that NOMURA, feeling
 16 that diplomatic relations between Japan and the United
 17 States might be severed, wired for instructions point-
 18 ing out that American public opinion toward Japan was
 19 changing rapidly and that the people considered the
 20 southern advance of Japan as only the first step to
 21 Singapore and the Dutch East Indies, Japan, nevertheless,
 22 concluded an agreement and protocol^{b.} for the joint

23 EE-109. a. Ex. 588, T. 6566, 10145; Ex. 799, T. 7904;
 24 Ex. 1855, T. 10140; Ex. 1110-A, T. 10152.
 25 EE-110. a. Ex. 1245-A, T. 10762.
 b. Ex. 1122, T. 10180.

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1 defense of French Indo-China on 29 July 1941; then
2 large Japanese forces were moved into southern
3 French Indo-China.^{c.} HIRANUMA, at this time, was a
4 member of the cabinet.

5 EE-111. On 18 October 1941, TOJO's Cabinet
6 was formed, but HIRANUMA was not appointed a member
7 thereof. He continued, however, his interest in the
8 affairs of government as a Senior Statesman.
9

10 SENIOR STATESMAN.

11 EE-112. From 17 July 1940 to 1945 HIRANUMA
12 attended meetings of the Senior Statesmen held
13 generally for the purpose of recommending a new
14 Premier. At these meetings the following recommenda-
15 tions were made:

16 17 July 1940 - KONOYE was recommended to
17 succeed YONAI.

18 17 July 1941 - KONOYE was recommended to
19 succeed himself.

20 18 July 1944 - TERAUCHI, KOISO or HATA was
21 recommended to succeed TOJO.^{b.}

22 5 April 1945 - SUZUKI was recommended to
23 succeed KOISO.^{c.}

24 EE-110. c. Ex. 1245-A, T. 10762.

25 EE-112. b. Ex. 1177, T. 11379.

c. Ex. 1282, T. 11390.

1 EE-113. At the request of the Emperor, a
2 meeting of the Senior Statesmen was convened on
3 29 November 1941 for a complete and broad discussion
4 of the decision about to be formally made to go to
5 war against the United States, Great Britain, and
6 the Netherlands. It was not the usual conference
7 called for the selection of a new Premier but was a
8 conference convened so that the Emperor might have
9 the unreserved view and opinions of the Senior
10 Statesmen, each of whom had been a Premier of Japan.

11 EE-114. TOJO explained the reason why Japan
12 was placed in a position where resort to arms against
13 the United States could not be avoided and TOGO ex-
14 pounded on the American-Japanese negotiations. Ques-
15 tions were asked by the Senior Statesmen which the
16 government, according to TOJO, answered and explained
17 one by one. ^{a.} No one present expressed the view that
18 the American proposal be accepted. ^{b.} None of the
19 Senior Statesmen expressed the opinion that war
20 should not be resorted to or openly expressed dis-
21 agreement with the war policy, but contented them-
22 selves with giving what OKADA, one of the Senior
23 Statesmen, termed negative and dissuading opinion. ^{c.}

24 EE-114. a. Ex. 3655, T. 36366.
25 b. Ex. 3647, T. 35711.
c. Ex. 3229, T. 29260-61.

1 EE-115. HIRANUMA, in particular, merely
 2 remarked that he agreed that Japan was equal to a
 3 prolonged war with the United States in spiritual
 4 strength but doubted its ability in material power,
 5 urging, however, that adequate measures and efforts
 6 be taken to awaken patriotic sentiment. ^{a.}

7 EE-116. At the conference of 17 July 1944
 8 at HIRANUMA's home (unofficial) it was decided that
 9 TOJO's cabinet was to be replaced so that Japan could
 10 "build a powerful national cabinet which would surge
 11 forward unswervingly;" ^{a.} and at the meeting of
 12 5 April 1945 HIRANUMA said "I am strongly opposed to
 13 any advocacy for peace and cessation of hostilities"
 14 and therefore "there is no way out but to fight to
 15 the end." ^{b.}

16 EE-117. On 9 April 1945 HIRANUMA again
 17 became head of the Privy Council.
 18

19 DEFENSE PHASE

20 EE-118. HIRANUMA's defense is very weak.
 21 Other than a message to Hull urging a joint effort to
 22 prevent war in Europe; ^{a.} a report from Dooman, then
 23 Charge d'Affaires ad interim in the American Embassy
 24 in Tokyo on "Japan's Foreign Policy in Relation to the

25 EE-115. a. Ex. 3340, T. 31040.
 EE-116. a. Ex. 1277, T. 11374; b. Ex. 3340, T. 31124, 31134.
 EE-118. a. Ex. 3222, T. 29210.

1 Situation in Europe," which outlines the policies,
 2 ideals and hopes of HIRANUMA when he was Prime
 3 Minister, no other documents of any consequence were
 4 admitted in evidence.

5 EE-119. In the reply to HIRANUMA's message,
 6 Hull pointedly stated that HIRANUMA's desire for true
 7 world peace "is made the more remote by the existence
 8 and the continuance of armed conflict and consequent
 9 political disturbances in the Far East,"^{a.} and, just
 10 as the events in the European sphere have repercus-
 11 sions in the Far East, "the prolongation of abnormal
 12 conditions in the Far East contributes to causes of
 13 unrest in Europe."^{b.} Hull further stated "that each
 14 peaceful settlement, in whatever geographical sphere,
 15 constitutes a stabilizing element and an important
 16 step toward improvement in the general world situa-
 17 tion."^{c.}

18 EE-120. Was HIRANUMA sincere in his peace
 19 appeal to Hull of 10 May 1939? The answer is to be
 20 found in HIRANUMA's actions. Six days before sending
 21 the message of peace to Hull he had sent his
 22 "Declaration" to Hitler appealing for closer rapproche-
 23 ment with Hitler in his, HIRANUMA's, endeavor to
 24

25 EE-119. a. Ex. 3223, T. 29215.
 b. Ex. 3223, T. 29215.
 c. Ex. 3223, T. 29216.

establish a "New Order in East Asia"^a and four days
 1 after sending his peace message, Japan, without a
 2 declaration of war, invaded the Mongolian People's
 3 Republic.^b In his message to Hull, HIRANUMA said
 4 it was the ardent wish of Japan that nations should
 5 have their own proper place in the world. These
 6 words were written when HIRANUMA was plotting to
 7 establish a puppet government in that part of China
 8 conquered by the military forces of Japan. Not one
 9 word was said by HIRANUMA in his peace message to
 10 Hull of Japan's actions in China.
 11

EE-121.^a The affidavit of Piggott merely
 12 states that through a confidential agent of HIRANUMA,
 13 Piggott conducted the negotiations between the British
 14 Ambassador and HIRANUMA as the result of which ARITA
 15 told CRAIGIE that Japan was ready to hold a conference
 16 in Tokyo for the settlement of the Tientsin Incident.^b
 17

EE-122. The affidavit of SAITO, Yoshio re-
 18 lates a speech of HIRANUMA at a cabinet meeting during
 19 May 1941, the theme of his speech being that Japan
 20 must not fight for any reason whatsoever^a because
 21 a war between the big powers, once started would become
 22 protracted and no one could foretell the damage and
 23

24 EE-120. ~~a. Ex. 503~~, T. 6104; b. Ex. 766-R, T. 7846.
 25 EE-121. a. Ex. 3226, T. 29232; b. Ex. 3226, T. 29234.
 EE-122. a. Ex. 3277, T. 29243.

devastation that would result therefrom. ^{b.} These
1 ideas attributed to HIRANUMA are the converse of those
2 he urged in 1945 at a Senior Statesmen's Meeting when
3 he said that "There is no way out but to fight to
4 the end." ^{c.} SAITO's testimony that HIRANUMA delivered
5 an "impassioned plea against war" must be read in the
6 light of his readiness and willingness to commit
7 Japan to a war against England and France in 1939.

8 EE-123. The affidavit of SHIOTA, Hiroshige,
9 the doctor who treated HIRANUMA, when an attempt was
10 made to assassinate him, was withdrawn when the
11 prosecution conceded that HIRANUMA was incapacitated
12 from attending to official duties from 14 August 1941
13 to 29 November 1941, on which day he attended the
14 important Senior Statesmen's Meeting referred to
15 above.
16

17 EE-124. The testimony of defense witness
18 OKADA, Keisuke, former Prime Minister, refers to
19 three meetings of the Senior Statesmen attended by
20 himself and HIRANUMA, the most important being the
21 one of 29 November 1941, called at the request of
22 the Emperor for the purpose of securing the opinions
23

24 EE-122. b. Ex. 3227, T. 29243.

c. Ex. 3340, T. 21124.
25

of the Statesmen on the current diplomatic and political situation, an impasse in the negotiations having been reached and the government feeling that war between the nations was inevitable.^{a.} According to OKADA, to the questions asked by the Elder Statesmen, the government replied "that the position of the government would be well understood if the factual grounds were shown and if they could disclose and cite figures which they had, but which they stated they could not disclose since they were State Secrets."^{b.}

EE-125. The testimony of OKADA is flatly contradicted by TOJO who said "The testimony of OKADA, before this Tribunal on 26 September 1947, that I refused to explain on the grounds of a 'State Secret' is definitely not founded on fact. The only matters that were not exposed concerned alone those pertaining to pure strategy."^{a.}

EE-126. According to OKADA none of the Statesmen supported war but they did "urge the government to reconsider the matter very carefully and to proceed with extreme caution in any matter which might bring about hostilities."^{a.} They all, he

EE-124. a. Ex. 3229, T. 29260. b. Ex. 3229, T. 29260.
 EE-125. a. Ex. 3655, T. 36366.
 EE-126. a. Ex. 3229, T. 29260.

testified, expressed negative and dissuading opinions.

EE-127. OKADA is again contradicted by TOJO who summarized the opinions of the Senior Statesmen as consisting of four points:

"(1) Even if the negotiations were broken off, we should refrain from war and make plans for the next move in the future.

"(2) There is no alternative left to us but to rely on the government, since it has finally decided to resort to war after deliberate investigations.

"(3) If the war were to become protracted there would be much anxiety as to Japan's capacity to maintain the supply of materials and the trend of public opinion as well. (But no one gave his definite opinion as to the measures Japan should take on this point.)

"(4) If this war is for self-existence, we are compelled to wage war even if we foresee eventual defeat. But if it means that we resort to war for a so-called East Asiatic policy, it is highly dangerous."

EE-126. b. Ex. 3229, T. 29260.

EE-127. a. Ex. 3655, T. 36367.

EE-128. TOJO said that he explained the
1 government's intentions on each point. As to the first,
2 if it were to be adopted, Japan's national defense
3 would be jeopardized and her existence as a nation
4 threatened. The second point needed no explanation
5 and the third was explained in terms of the uncer-
6 tainty of war, need for resources, especially oil, and
7 the time to negotiate for peace. a.

EE-129. Consequently, according to TOJO,
9 the Senior Statesmen were fully informed regarding
10 all plans of the government, except those pertaining
11 to pure strategy, and were informed of the Government's
12 intention relative to opening hostilities against the
13 United States, Britain and the Netherlands. a. And
14 yet this body of Elder Statesmen, in dereliction of
15 their duty to the Emperor as his highest advisers,
16 used their exalted position not one bit to stop the
17 hands that within the hour were to select the time
18 and place for the formal decision to go to war. b.

EE-130. On the other hand if, as claimed by
21 OKADA, the government did not disclose to the Senior
22 Statesmen the facts and figures they requested because
23 they were state secrets, a. then those men were likewise

EE-128. a. Ex. 3655, T. 36367-70.

EE-129. a. Ex. 3655, T. 36364; b. Ex. 3655, T. 36370.

EE-130. a. Ex. 3229, T. 29261.

1 derelict in their duty towards the Emperor, because
 2 in order to faithfully perform their duty it would
 3 have been necessary to be completely and accurately
 4 informed on all vital matters.^{b.}

5 EE-131. Whether they were informed or not
 6 the fact remains that the Senior Statesmen did not
 7 advise against war. They contented themselves with
 8 negative and dissuading opinions leaving the matter
 9 in the hands of TOJO whom they knew had decided that
 10 war was inevitable.^{a.}

11 EE-132. In 1944, after many reverses the
 12 TOJO Cabinet lost its popular appeal^{a.} and the Senior
 13 Statesmen decided that it should be retired. For
 14 this reason, at a meeting at HIRANUMA's home on
 15 17 July 1944, the Senior Statesmen resolved to build
 16 a National Cabinet "which will surge forward unswerv-
 17 ingly."^{b.} The following day TOJO resigned and the
 18 Statesmen convened to recommend a new Premier.
 19 HIRANUMA favored a military man because he could
 20 handle the matter of increased munitions. General
 21 KOISO was recommended^{c.} but the Statesmen arranged^{d.}
 22 that YONAI should be appointed jointly with KOISO.

24 EE-130. b. Ex. 3229, T. 29277.

EE-131. a. Ex. 3229, T. 29261.

25 EE-132. a. Ex. 3229, T. 29265. c. Ex. 3229, T. 29265.
 b. Ex. 3229, T. 29264. d. Ex. 3229, T. 29266.

1 EE-133. On 5 April 1945, KOISO resigned
 2 and the Senior Statesmen approved SUZUKI, Kantaro,
 3 to succeed him.^{a.} At the meeting of the Statesmen,
 4 HIRANUMA took the position that they must select a
 5 man who would fight it out to the end,^{b.} stating that
 6 "we cannot recommend any peace advocate who favors
 7 cessation of hostilities. From this import, the
 8 choosing of a Premier has important bearings . . .
 9 I am strongly opposed to peace and to the cessation
 10 of hostilities."^{c.}

11 EE-134. OKADA admitted on cross-examination
 12 "that HIRANUMA always said that it was necessary to
 13 find a man who would be able to carry the war through
 14 to the end. . ." so he may have said "that it was
 15 necessary to fight to the end."^{a.} OKADA also admitted
 16 on cross-examination that HIRANUMA did not want to
 17 accelerate the end of the conflict by way of negotia-
 18 tion for peace in 1945.^{b.}

19 EE-135. On 10 August 1945, an Imperial
 20 Conference, which HIRANUMA attended as President of
 21 the Privy Council, decided to accept the Potsdam
 22 Declaration on the sole condition of reaffirmation of

23 EE-133. a. Ex. 1282, T. 11390. c. Ex. 3340, T. 31134.

24 b. Ex. 3340, T. 31124.

25 EE-134. a. Ex. 1282, T. 29301. b. Ex. 1282, T. 29302.

the Emperor's sovereignty and the Imperial House.^{a.}

1 EE-136. On 12 August 1945, the reply from
 2 the Allies was received and immediately on the ground
 3 that he was anxious to save the "national polity"^{a.}
 4 opposition was voiced by HIRANUMA to a reference in
 5 paragraph 4 of the reply stating that the ultimate
 6 form of the government of Japan should be established
 7 by the free will of the people,^{b.} even though the
 8 responsible Minister, TOGO, saw nothing objectionable
 9 in the paragraph. Prime Minister SUZUKI apparently
 10 approved of HIRANUMA's position and doubt arose as
 11 to the possibility that the peace negotiations might
 12 not be concluded^{c.} as the result of which "millions
 13 of innocents, due to bombing and starvation" would
 14 be sacrificed.^{d.} In the meantime, the attitude of
 15 the Supreme Command stiffened^{e.} and because of the
 16 opposition of HIRANUMA and the Army, there was diffi-
 17 culty in convening a meeting of the Supreme Council
 18 for Direction of War.^{f.} Finally, the Emperor convoked
 19 a joint Imperial Conference of cabinet members and
 20 component members of the Council at which it was de-
 21 termined to end the war.^{g.}

23 EE-135. a. Ex. 3340, T. 31777.

24 EE-136. a. Ex. 3340, T. 31184.

b. Ex. 3340, T. 31184, Ex. 4, T. 109.

25 c. Ex. 3340, T. 31185.

d. Ex. 3340, T. 31188. f. Ex. 3340, T. 31189.

e. Ex. 3340, T. 31181. g. Ex. 3340, T. 31191.

1 EE-137. On 15 August 1945, HIRANUMA per-
2 formed his last official act when he met with KIDO
3 and selected Prince HIGASHIKUNI as the Premier to
4 succeed SUZUKI. It was not thought necessary to
5 a.
6 convene the Senior Statesmen.

7 EE-138. Thus ignominiously ended the official
8 career of a brilliant man, fighting to the end to
9 preserve what he had done, so much to destroy.

10 EE-139. He was not a militarist in the sense
11 that he fought with guns and bombs; he was the sophist
12 fighting with ideas and the skill of his intellect.
13 He assisted in the formulation and execution of
14 Japan's program of expansion, as a member of the
15 Privy Council whose advice was followed on questions
16 of constitutional law, diplomacy, the issuance of
17 Imperial Ordinances and on the enactment of ordinary
18 legislation to be submitted by the cabinet to the
19 Diet, which it could freely amend or veto entirely
20 as head of the cabinet which exercised legislative
21 power through the issuance of Imperial ordinances
22 when the Diet was not in session, and which initiated
23 most of the legislation enacted by the Diet; as a
24 State Minister charged with the duty of advising the
25 EE-137. a. Ex. 3340, T. 31200.

1 Emperor for which, under the constitution, he was
2 responsible; and as an Elder Statesman whose re-
3 sponsibility it was to recommend the appointment of
4 a new Premier. At no time was his a minor role. At
5 all times his governmental responsibility was on the
6 highest level.

7 Mr. Carr.

8 THE PRESIDENT: There are two more pages of
9 this. Do you intend to read them?

10 MR. ENGLISH: Those are references, your
11 Honor, to the counts in the Indictment.

12 THE PRESIDENT: Yes.

13 (The references are copied as follows:)

14 EE-140. As HIRANUMA was either a member
15 of the Privy Council, Premier, State Minister or
16 Senior Statesman during the period of time set forth
17 in the Indictment, he is liable on Count No. 1.

18 EE-141. Pages 3 to 18, discussing HIRANUMA's
19 actions as a member of the Privy Council involve
20 Counts 1, 2, and 3 for his acts in connection with
21 the Manchurian and the China incidents; Counts 6 and
22 17 for having planned and prepared a war of aggression
23 against China and Russia respectively; Counts 18 and
24 25 for initiating the 7 July 1937 invasion of China
25 and of the territory of the Soviet Union at Lake

1 Khasan and Mt. Zaozernaya during July and August 1938;
2 Counts 27, 28 and 35 for having waged a war of aggres-
3 sion against China and Russia respectively.

4 EE-142. Pages 18 to 35, enumerating the
5 acts of HIRANUMA during his Premiership, involved
6 Count 1, the General Conspiracy County, Count 3 for
7 waging a war of aggression against China; Count 5 for
8 his endeavors to form a military alliance with Germany
9 and Italy; Counts 19 and 28 for initiating and waging
10 a war of aggression against China; Counts 26 and 36
11 for initiating and waging an undeclared war of ag-
12 gression on the Mongolian People's Republic in the
13 area of the Khackhin-Gol River; Count 51 for the
14 unlawful killing and murdering of certain members of
15 the armed forces of Mongolia and Russia in the attack
16 on their territories in the region of the Khackhin-Gol
17 River in the summer of 1939.

18 EE-143. Pages 35 to 48, setting forth the
19 acts of the Government of Japan from 6 December 1940
20 to 18 October 1941, involve Counts 1, 3, 4, 5 --
21 Conspiracy Counts; Counts 7 to 17 inclusive for plan-
22 ning and preparing a war of aggression against the
23 various countries enumerated in these counts; Counts
24 37 and 38 for conspiring to unlawfully kill and murder
25 by initiating unlawful hostilities against the various
countries enumerated therein.

~~THE PRESIDENT: Mr. Comyns Carr.~~

1 MR. COMYNS CARR: May it please the Tribunal:
2 HIROTA, Koki.

3 I. General - Biographical.

4 FF-1. The defendant HIROTA was from 15 Oct-
5 ober 1930 to 19 November 1932, Ambassador to the Union
6 of Soviet Socialist Republics and Foreign Minister
7 from 14 September 1933 to 2 April 1936. He was
8 appointed Premier on 6 March 1936 which position he
9 held until the fall of the HIROTA Cabinet on 2 Feb-
10 ruary 1937. On 20 January 1937, the Seiyukai Party
11 mass meeting issued a declaration criticizing the
12 policy which this cabinet had followed. The bungling
13 of the Anti-Comintern Pact, they declared, had re-
14 sulted in suspicion among other powers and the insti-
15 tution of semi-wartime organization and the pure bureau-
16 cratic economy had done more harm than good. They
17 charged that the measures of HIROTA's Cabinet were
18 not generally based on the welfare of the nation, but
19 influenced by the dogmatic prejudices of the bureaucrats
20 and the military.^a Two weeks later HIROTA's Cabinet
21 fell.
22

23 FF-2. Witness TSUGITA placed the responsibi-
24 lity for the fall of HIROTA's Cabinet on the army,
25 (FF-1. a. Ex. 2208-A, T. 15,792.)

1 particularly delegates in the House of Representatives
2 who opposed the reform of the parliamentary system.
3 The conflict grew so tense that the War Minister
4 finally resigned and HIROTA could no longer maintain
5 his cabinet.^{a.} On 4 June 1937, he was appointed Foreign
6 Minister and so acted until his resignation on 29 May
7 1938. After his resignation from this cabinet posi-
8 tion, he was cabinet councillor from 13 March 1940 to
9 August 1940 and from July 1940 he attended the vital
10 ex-Premier conferences held at the fall of each cabinet
11 to choose a new Premier.

12 FF-3. The keynote to HIROTA's character and
13 policy is to be found in a decision of the Prime
14 (HIROTA), Foreign, Finance, War, and Navy Ministers of
15 7 August 1936 where it was stated that "the fundamental
16 national policy to be established by the Empire is to
17 secure the position of the Empire on the East Asia
18 Continent by dint of diplomatic policy and national
19 defence, mutually dependent on each other, as well as
20 to advance and develop the Empire toward the South
21 Seas."^{a.} This makes it plain that "national defence"
22 was in his view merely a euphemism for the use of
23 military power for aggressive purposes. This attitude
24 (FF-2. a. Ex. 3258, T. 29,652.
25 FF-3. a. Ex. 216, T. 2720.)

1 he will be found to have adopted until June 1940 when
2 he thereafter consistently recommended a military man
3 as Premier. He was a man who frequently made pacific
4 speeches and explanations to foreign powers, but his
5 real intention throughout was to expand Japan's
6 influence as far as possible by diplomacy backed by
7 threats of force. Finally, when that had reached its
8 limit, he was willing to hand over the situation to
9 those who would use actual force.

10 II. Activities While Ambassador to U.S.S.R.
11 and Attitude Later When Foreign and Prime Minister.

12 FF-4. As early as 1931, during HIROTA's
13 tenure of office as Ambassador to the Union of Soviet
14 Socialist Republics, he put forward his views towards
15 the Soviet Union in a conversation with one Major
16 General HARADA, in which he stated that apart from
17 whether Japan would wage a war against the Soviet, it
18 was necessary for her to have strong policies in this
19 regard and be ready for war at any time. The principal
20 purpose of such policies was not defense against com-
21 munist, but rather the conquest of East Siberia.
22

23 Witness KASAHARA, however, tried to weaken the effect
24 of this by saying that HIROTA must have had some other
25 motive in mind in saying this, since these were not his

(FF-4, 1. Ex. 693, T. 7450.)

1 formal ideas, yet he himself had recorded HIROTA's
 2 words at the time.
 3

4 FF-5. In December, 1931, Litvinov made an
 5 offer on behalf of the Soviet Union regarding the con-
 6 clusion of a non-aggression pact between Japan and the
 7 Union of Soviet Socialist Republics.^{a.} Although HIROTA
 8 on 15 October 1932 in a statement to the press regard-
 9 ing the conclusion of a Russo-Japanese Neutrality Pact
 10 had stated that such a pact could be concluded if it
 11 were calculated to bring some benefit to Japan,^{b.} one
 12 year elapsed before Japan replied in a negative vein
 13 to the Soviet's proposal. In this reply on 13 December
 14 1932, Japan stated that formal opening of negotiations
 15 on this subject was untimely.^{c.}

16 FF-6. Again on 4 January 1933, the Soviet
 17 Government delivered a note to the Japanese Government
 18 replying to the Japanese rejection of their offer for a
 19 non-aggression pact,^{a.} and in reply on 13 February 1933
 20 this proposal was again rejected by Japan.^{b.}

21 FF-7. On 26 June 1933, prior to HIROTA's
 22 appointment as Foreign Minister, negotiations were
 23 opened between Japan and the Soviet Union for the

24 (FF-4. b. T. 23,241-2.

25 FF-5. a. Ex. 744, T. 7714. c. Ex. 745, T. 7719.

b. Ex. 3232, T. 28,381.

FF-6. a. Ex. 746, T. 7720.

b. Ex. 747, T. 7727.)

a.
purchase by Japan of the Chinese Eastern Railway.

1 HIROTA, on becoming Foreign Minister, continued the
2 negotiations, which ended in an agreement on 23 March
3 1935. The history of these is fully set out in para-
4 graphs H-78-83 of this summation. However, these
5 negotiations were accompanied by considerable pressure
6 on the part of Japan. For instance, on 23 October
7 1934, the Russian Consulate at Harbin complained
8 strongly to the Japanese Foreign Office representative
9 that the Chinese Eastern Railway had been subjected to
10 attacks, destruction of tracks and property, murder
11 of railroad agents, and despite previous complaints
12 no corrective measures had been taken.^{e.} Again on
13 15 December 1934, the Vice-President of the Chinese
14 Eastern Railway quoted to President Li Shao Gen a
15 number of unlawful requisitions of living quarters and
16 buildings belonging to the Chinese Eastern Railway.^{f.}

18 FF-8. Notes exchanged by HIROTA and Manchukuo
19 show that Japan guaranteed the performance of the con-
20 tract of the Manchukuo Government in the purchase of
21 the Chinese Eastern Railway.^{a.}

22 FF-9. While HIROTA in a speech on 23 January
23 1935 accused the Soviet Union of issuing anti-Japanese
24 (FF-7. a. Ex. 3235-A, T. 29,436.

b. Ex. 748, T. 7739.

f. Ex. 749, T. 7742.

25 FF-8. a. Ex. 443-A, T. 5042.)

reports although Japan herself was not setting up new
 1 military establishments along the Manchukuo-Soviet
 2 border, ^{a.} a letter dated 12 November 1935 from SHIRATORI
 3 to ARITA shows that Japan, nevertheless, had aggressive
 4 aspirations towards the Soviet and that these existed
 5 in the minds of the Foreign Ministry as well as in
 6 ^{b.} the army.

FF-10. HIROTA's participation in decisions
 8 and measures which aimed at opposing the Soviet can be
 9 seen from the decision of the Four Ministers on
 10 4 April 1936 to make North China a special anti-
 11 communistic and pro-Japanese zone, while eventually
 12 all China was to be pro-Japanese and anti-Soviet. ^{a.}

FF-11. In a report, dated 24 July 1936, drawn
 14 up by the Foreign Office, "The Problem of a Japanese-
 15 German Political Convention" was reviewed. While the
 16 main purpose of a pact with Germany was cited as a
 17 means of defense against communism and a means to con-
 18 bat the menace of the Soviet Union, the actual pact
 19 is continually referred to as a "Japanese-German
 20 Coalition." ^{a.}

FF-12. On 7 and 11 August 1937, the decision
 23 (FF-9. a. Ex. 3237, T. 29,456.
 24 b. Ex. 774-A, T. 7883.
 25 FF-10. a. Ex. 704, T. 7523.
 FF-11. a. Ex. 3267, T. 29,885.)

1 and proposed policy of the government was discussed
2 and the eradication of the Russian menace was decided.^{a.}

3 F-13. HIROTA held the position of Foreign
4 Minister when the negotiations for the Anti-Comintern
5 Pact were started,^{a.} and was Premi r when, on 25 November,
6 1936, the Anti-Comintern Pact and Secret Attached Pact
7 between Japan and Germany were signed.^{b.}

8 FF-14. While the Foreign Office on 25 Decem-
9 ber, 1936, issued a statement acclaiming the conclusion
10 of the Anti-Comintern Pact and stated categorically
11 "That the present agreement was not directed against
12 the Soviet Union nor any other specific country,"^{a.}
13 HIROTA in his capacity as Premier attended the Inves-
14 tigation Committee meeting of the Privy Council on
15 20 November, 1936, where it was explained that "the
16 present Japanese-German Pact comprises two pacts; Pact
17 against the Communist Internationale and the Secret
18 Attached Pact against the Soviet Union. At this same
19 meeting HIROTA gave an explanation in which he stated
20 that the communist activities of the Soviet Union
21 constituted a menace to Japan's East Asia policy; hence
22 Japan had insisted on the cooperation of China in this

24 (FF-12. a. Ex. 216, T. 2720; Ex. 979, T. 9549.

FF-13. a. Ex. 1106, T. 10,115.

25 b. Ex. 36, Ex. 48, T. 5936.

FF-14. a. Ex. 2371, T. 18,398.)

b.
regard.

1 FF-15. Subsequently, on 25 November 1936,
2 HIROTA attended the Privy Council meeting where the
3 conclusion of the Anti-Comintern Pact was unanimously
4 approved.
5 a.

6 FF-16. When on 12 November 1937, HIROTA as
7 Foreign Minister attended the meeting held to discuss
8 the extension of the Anti-Comintern Pact, he reiterated
9 that this pact was solely a pact against communism.
10 Further the Bureau of Information of the Foreign Office,
11 which was under his direct control, issued a statement
12 of the conclusion of this extension, in which they
13 expressed concern that the true purport of the pact --
14 that it was not directed against any particular country --
15 had not been understood by all. b. But no mention was
16 made of the Secret Pact which shows the complete
17 falsity of these statements.

18 FF-17. At a liaison conference held on
19 15 January 1938, KONOE revealed that the Army General
20 Staff was advocating cessation of hostilities in China
21 in order to prepare for an attack on the Soviet Union,
22 and that at a cabinet conference later on the same day
23

24 (FF-14. b. Ex. 484, T. 5957.
25 FF-15. a. Ex. 485, T. 5967.
FF-16. a. Ex. 492, T. 6033.
b. Ex. 483, T. 5956.)

1 the Deputy Chief of Staff went so far as to advocate
 2 direct dealing with Chiang Kai-shek.^{a.} While KAWABE
 3 recalled that there had been considerable argument at
 4 the meetings, he could not specify the reasons.^{b.}
 5 Again, it is obvious from HARADA's diary of 14 Feb-
 6 ruary 1938 that HIROTA must have been well aware
 7 that the army was advocating a halt in military
 8 advances in order to prepare for an attack against
 9 Russia.^{c.} Although HORINOUCHI, who was then Vice-
 10 Foreign Minister, was credited by HARADA as having made
 11 this statement, he could not recall it when ques-
 12 tioned.^{d.}

13 III. Japan's Abrogation of the Washington
 14 Naval Treaty, Limitation of Naval Armament, and Her
 15 Violation of the Nine-Power Treaty.

16 FF-18. On 29 December 1934 while HIROTA was
 17 Foreign Minister, Japan gave notice of her intention
 18 to withdraw from the Washington Naval Treaty, effective
 19 December 1936.^{a.} Regarding this abrogation, HARADA, in
 20 his diary on 7 September 1934, stated that Premier
 21 OKADA and Foreign Minister HIROTA said, "The long and
 22 short of it is that in the draft, we have utterly
 23 short of it is that in the draft, we have utterly

24 (FF-17. a. Ex. 2789-A, T. 37,718.

b. T. 22,053-7.

25 c. Ex. 3790-A, T. 37,736.

d. T. 29,870-1.

FF-18. a. Ex. 942, T. 9416; Ex. 1106, T. 10,115.)

1 opposed a ratio. Therefore, we must abrogate it no
 2 matter how much the other powers agree to our proposals.
 3 We are taking an unconditional stand." ^{b.} When defense
 4 witness KONDO was confronted with this statement, he
 5 at first admitted it to be true; ^{c.} but later in re-
 6 direct examination he flatly denied that HIROTA or
 7 OKADA had said such a thing. ^{d.} On the same day Ambas-
 8 sador Grew sent a telegram to Secretary of State Hull
 9 stating that the Privy Council had unanimously approved
 10 the decision to abrogate the Washington Naval Treaty,
 11 and he gained the impression that HIROTA desired to
 12 delay the formal notice until after the adjournment of
 13 the London conversations so that Japan would not be
 14 charged with disrupting them. ^{e.} Nevertheless, HIROTA
 15 maintained in a speech on 22 January 1935 to the 67th
 16 Diet Session that such a withdrawal should not be taken
 17 as an indication that Japan intended to launch out on
 18 any armament expansion; on the contrary, Japan was
 19 looking forward to the conclusion of another pact to
 20 succeed the Washington Treaty. ^{f.}

21 FF-19. Such a pact, however, stood little
 22 chance of realization, especially, since at the London

23 (FF-18. b. Ex. 3777-B, T. 37,668.

24 c. T. 26,688.

25 d. T. 26,703.

e. Ex. 58, T. 9199.

f. Ex. 3247, T. 29,591.)

1 Naval Conference in January 1936, Japan insisted on a
 2 common upper limit in place of the 5-5-3 ratio, which,
 3 of course, meant that unless Britain and America
 4 neglected their responsibilities in other parts of the
 5 world, Japan would dominate the Pacific.^{a.} Refusal
 6 by other nations to accept this proposal resulted in
 7 Japan's withdrawal from the conference.^{b.} A description
 8 of these negotiations and his reasons for their
 9 failure is given by defense witness ENOMOTO.^{c.}

10 FF-20. Japan continued to expand her naval
 11 armament by supplementary building programs. The one
 12 entitled "Third Supplementary Program" aimed at the
 13 construction of a total tonnage of 233,000 tons plus
 14 34 auxiliary vessels by the end of 1941. This program,
 15 according to witness KONDO, was prompted by the
 16 increased naval production of the United States,^{a.}
 17 although he admitted that it was not clear that this
 18 armament was directed against Japan because the
 19 United States was also preparing against the additional
 20 menace of the Western Axis powers.^{b.}

21 FF-21. When the United States suggested to
 22 HIROTA that the calibre for guns on capital ships should
 23

24 (FF-19. a. Ex. 2226, T. 15,977.
 25 b. Ex. 945, T. 9421.
 c. Ex. 3011, T. 26,783 et seq.
 FF-20. a. Ex. 3006, T. 26,662-69.
 b. T. 26,696.)

1 be limited, he replied on 7 June 1937, refusing to
2 cooperate in this regard, reiterating Japan's policy
3 of not embarking on the construction of a naval force
4 which would constitute a menace, and adhering to prin-
5 ciples put forth by Japan at the London Naval Con-
6 ference the year before.^{a.}

7 FF-22. In letters exchanged between HIROTA
8 and Grew in 1938, Japan again turned down proposals
9 put forward by Great Britain and America for a recip-
10 rocal exchange of information on naval construction,
11 yet by espionage activities she attempted to ascertain
12 America's naval strength.^{a.} Such an attempt for recip-
13 rocal exchange was made by Grew on 5 February 1938.
14 He requested information regarding building of capital
15 ships, since, although Japan had not subscribed to
16 the London Naval Treaty, America as a signatory had
17 the right of escalation in the event a power not a
18 party thereto was building not in conformity with the
19 limits set by the treaty. He also requested that
20 Japan satisfy the United States that she would not
21 construct any vessel not conforming to these limits
22 prior to 3 January 1943 without informing the United
23 States of her intent; otherwise the United States would
24 (FF-21. a. Ex. 58, T. 9231.
25 FF-22. a. Ex. 1249, T. 11,184.)

b.

be forced to use her right of escalation.

1 FF-23. On 12 February 1938, HIROTA acknowledged
2 Grew's memorandum and in reply reiterated Japan's point
3 that it was impossible to obtain equitable disarmament
4 by a measure of qualitative limitation without quan-
5 titative limitation. Japan, therefore, felt unable
6 to give information regarding construction of vessels
7 and felt unable to comply with the request of the United
8 States on this matter. a.

9 FF-24. At precisely the same time that HIROTA
10 was politely refusing any measures in naval limitation
11 or information, the Japanese Government was engaged
12 in the construction of the battleships Yamato and
13 Musashi, both exceeding the treaty limit of 35,000 tons
14 and 16-inch guns. a. Yet, HIROTA on 4 March 1938 stated
15 in a speech to the 73d Diet Session that it would be
16 well if in the future there was an opportunity for the
17 powers to discuss naval disarmament. b.

18 THE PRESIDENT: Mr. Carr, we will recess for
19 fifteen minutes.
20

21 (Whereupon, at 1445, a recess was
22 taken until 1500, after which the proceedings
23 were resumed as follows:)
24

25 (FF-22. b. Ex. 58, T. 9392.
FF-23. a. Ex. 56, T. 9236.
FF-24. a. Ex. 913, T. 9420.
b. Ex. 3289, T. 30,002.)

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MARSHAL OF THE COURT: The International
1 Military Tribunal for the Far East is now resumed.

2 THE PRESIDENT: Mr. Comyns Carr.

3 MR. COMYNS CARR: FF-25. On 26 April 1934,
4 HIROTA cabled various Japanese embassies, including
5 those in the United States and Great Britain, regarding
6 a conversation he had had with British Ambassador
7 Lindley on the subject of Japan's attitude towards the
8 Nine Power Treaty. HIROTA maintained that Japan had
9 never violated the Nine Power Treaty nor had she any
10 intention of doing so.^a Yet, the First Report adopted
11 by the League of Nations Assembly on 6 October 1937,
12 during HIROTA's tenure of office as Foreign Minister,
13 condemned Japan's actions as being in breach of the
14 Nine Power Treaty of 1922 and the Pact of Paris of 1928.^b

15 FF-26. On 20 October 1937 the Foreign Ministry
16 announced that the Belgian Ambassador had presented
17 Foreign Minister HIROTA with an invitation to attend a
18 meeting of the signatories of the Nine Power Treaty at
19 Brussels on 30 October.^a

20 FF-27. On 21 October 1937, Grew stated in his
21 diary that while representations were being made to Japan
22 to join in the Brussels Conference, HIROTA had revealed
23

24 (FF-25. a. Ex. 3244, T. 29582.

b. Ex. 962, T. 9474.

25 FF-26. a. Ex. 954-A, T. 9444.)

that the leaders of political parties were practically unanimous in their opinion not to partake in it. There was a strong possibility that the Foreign Office would turn down the invitation since it did not specify that the Conference did not arise out of the League of Nations resolution and the United States announcement of 6 October.^{a.} Japan declined the invitation of 27 October stating that in her opinion the action in China lay outside the Nine Power Treaty.^{b.}

FF-28. This refusal was explained by witness HORINOUCI, who stated again that the refusal of Japan to participate in the Brussels Conference was not against the provisions of the Nine Power Pact, inasmuch as the participation was expected to be detrimental to the internal affairs of Japan.^{a.}

FF-29. On 16 November 1937, HIROTA expressed concern to Grew over the reports that the final resolution of the Brussels Conference contemplated united action against Japan, fearing that if the Japanese press got hold of such reports, it would have an unfortunate effect on public opinion. HIROTA added that Japan had considered the United States a likely mediator in the Sino-Japanese hostilities.^{a.}

(FF-27. a. Ex. 3283, T. 29955.
b. Ex. 954-B, T. 9446.
FF-28. a. Ex. 3260, T. 29698.
FF-29. a. Ex. 3284, T. 29957.)

IV. HIROTA'S POLICY TOWARDS MANCHUKUO

1 FF-30. HIROTA was a member of the Cabinet
 2 which on 22 December 1933, made the decision that Man-
 3 chukuo should be directed to form a monarchy. The
 4 drafting of the declaration should make distinct the
 5 indivisible relationship between Japan and Manchuria. a.
 6 While in a speech on 23 January 1934, he acclaimed the
 7 establishment of Manchukuo as an independent country. b.

8 FF-31. On 1 March 1934, Pu Yi became Emperor
 9 of Manchukuo and an Imperial Rescript was issued to this
 10 effect, and an announcement made in the Manchukuo Govern-
 11 ment Bulletin. a.

12 FF-32. On 20 March 1934, the same Cabinet made
 13 a decision regarding Japanese-Manchurian Economic Ad-
 14 ministration. In this decision the policy was stated to
 15 include the secure establishment of Japan's world-wide
 16 economic expansion, while the transportation and other
 17 enterprises in Manchukuo were to be restricted by the
 18 demands of the Japanese Empire; national defense was to
 19 be carried out by speedy development under the power and
 20 appropriate administration of the Empire. a.

21 FF-33. On 9 August 1934, the Japanese

22 (FF-30. a. Ex. 234, T. 3936.

23 b. Ex. 3237, T. 29152.

24 FF-31. a. Ex. 437-A, T. 5015; Ex. 2426, T. 19696.

25 FF-32. a. Ex. 236, T. 2939.)

1 Government issued a statement that it would be necessary
2 to relinquish Japan's extraterritorial rights if Man-
3 chukuo was to be allowed to attain full development.
4 This was to be gradually executed to avoid any sudden
5 change in the lives of Japanese nationals.^{a.}

6 FF-34. On 26 December 1934, when HIROTA was
7 Foreign Minister, an Imperial Ordinance was issued
8 setting up the organization of the Manchurian Affairs
9 Board, which fell under the jurisdiction of the Premier
10 and dealt with such things as the affairs of the Kwantung
11 Board, the co-ordination of Manchuria administrative
12 affairs in every Ministry, and the superintendence of the
13 South Manchurian Railway. Just how much independence
14 Manchukuo was to have can be seen from the fact that
15 four administrative officials were appointed by the
16 Cabinet from among officers in the Army and Navy,^{a.} and
17 a two-in-one unification was effected by combining the
18 Commander of the Kwantung Army and the Ambassador to
19 Manchukuo. KUWASHIMA in cross-examination agreed that
20 the Foreign Minister had direct supervision over the
21 Ambassador to Manchukuo and that he did not recall one
22 instance when MINAMI, the Ambassador to Manchukuo in
23 1935, acted contrary to the instructions of the Foreign
24

25 (FF-33. a. Ex. 2432, T. 19717.

FF-34. a. Ex. 451, T. 5112.)

b.
Minister, at that time the defendant HIROTA.

FF-35. On 21 January 1935, HIROTA in a speech reviewed the progress made in regard to extraterritoriality and explained the gradual abolition of these extraterritorial rights.
a.

FF-36. Despite Japan's publication of her desire for Manchurian independence, her real policy towards Manchukuo can be seen from a Privy Council Meeting on 3 July 1935, attended by defendant HIROTA. At this meeting which was held to discuss the conclusion of a Joint Economic Agreement between Japan and Manchukuo, HIROTA stated regarding the formation of the committee that, since it was to be composed of four members from each country and one of the Manchurian quota was to be a Japanese, in case of any difference of opinion between the two countries no decision would be disadvantageous to Japan.
a.
On 15 July 1935, while HIROTA was Foreign Minister the above-mentioned Japan-Manchukuo Economic Agreement was signed.
b.

FF-37. On 10 June 1936, a treaty between Japan and Manchukuo was signed concerning the residence and taxation, etc., of Japanese subjects in Manchukuo. This

(FF-34. b. Ex. 451, T. 5112; Ex. 452, T. 5114, 29501.
FF-35. a. Ex. 2434, T. 19728.
FF-36. a. Ex. 850, T. 8417.
b. Ex. 445, T. 5055; Ex. 851, T. 8433.)

1 treaty purported finally to give the Government of Man-
 2 chukuo the administrative rights over the South Manchur-
 3 ian Railway Zone in exchange for a completely equal
 4 treatment of Japanese and Manchurians, giving the Japa-
 5 nese the right to travel, pursue commercial, agricultural
 6 or industrial vocations, and enjoy all rights relating
 7 a.
 to the land.

8 FF-38. On 3 August 1937, when HIROTA was
 9 Foreign Minister the Agreement between Japan and Manchu-
 10 kuo was concluded whereby the Manchurian Development
 11 Company was organized to strengthen still further the
 12 bonds existing between the two countries. a.

13 FF-39. On 22 October 1937, at the time HIROTA
 14 was Foreign Minister a Cabinet decision was made out-
 15 lining the establishment of heavy industry in Manchukuo. a.

16 FF-40. HIROTA was Premier when the Treaty be-
 17 tween Japan and Manchukuo was signed abolishing the
 18 rights of extraterritoriality in Manchukuo. a. This in-
 19 cluded a manifest in regard to foreigners which en-
 20 croached upon the rights of nationals of the United
 21 States as accorded them by the Treaty concluded between
 22 b.
 23 the United States and China.

24 (FF-37. a. Ex. 237, T. 2944.
 25 FF-38. a. Ex. 438, T. 5018.
 FF-39. a. Ex. 239, T. 2960.
 FF-40. a. Ex. 2476-A-B-C-D, T. 20473.
 b. Ex. 944, T. 9418.)

V. HIROTA'S POLICY TOWARDS CHINA PRIOR TO
CHINA INCIDENT

FF-41. During HIROTA's tenure of office as Foreign Minister from 14 September 1933 to 2 April 1936, and as Premier from 9 March 1936 to 2 February 1937, he was a member of the over-all conspiracy which planned and prepared by diplomatic means and direct provocation the high state of tension and unrest in China which culminated in the China Incident. During these years, while avoiding the actual use of armed force, the Japanese Government made plans and took measures with threats of such use towards the ultimate inclusion of China in the Greater East Asia Co-Prosperity Sphere.

FF-42. While in his speeches and declarations, as on 22 January 1935 and 1 March 1935, HIROTA acclaimed hope for the stabilization of peace in China and his belief in the equality of Japan and China,^a he was a member of the Cabinet which was at the time aware of the intrigues of the North China and Kwantung Armies to establish autonomous regimes in China and to sever the Eastern provinces from the Nanking regime, thereby weakening it. The circumstances surrounding, and the conclusion of, the Ho-UMEZU Agreement on 10 June 1935, provide one demonstration of the use of a small incident (FF-42. a. Ex. 3247, T. 29593; Ex. 3250, T. 29612.)

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as a pretext for dominating territory and causing trouble. Using the murder of two Chinese in the Japanese Concession at Tientsin as an excuse, the Japanese requested the withdrawal of Chinese military police, the Kuomintang Party offices in Hopei and other organizations, and the transfer of General Yu; to which demands the Chinese gave in.^{b.} Not satisfied with this, the Japanese made stronger demands,^{c.} which ISHIKAWA^{d.} stated were only suggestions or representations. KUWASHIMA admitted that they were in the nature of an ultimatum.^{e.} Under such demands the Chinese gave in and on 10 June 1935, the Ho-UMEZU Agreement was concluded.^{f.}

FF-43. America's attitude towards the North China autonomous regimes was made clear by Hull, Secretary of State, on 25 September 1935, when he issued a statement on the political struggle which was then taking place there.^{a.}

FF-44. Nevertheless, the Foreign Office did nothing to halt these activities, although on 2 October 1935, WAKATSUGI, Secretary General to the Japanese Embassy at Peiping, cabled to Foreign Minister HIROTA

(FF-42. b. Ex. 194, T. 2275-6.
c. Ex. 194, T. 2276.
d. Ex. 2491, T. 20787.
e. T. 29531.
f. Ex. 2491, T. 20787-8.

FF-43. a. Ex. 938, T. 9403.)

1 informing him that rumor was prevalent that the Army
2 was intending to organize an independent state out of
3 the five provinces of North China independent of the
4 Nanking Regime. Thus a bloc of Japan, Manchuria and
5 North China^{a.} would be established.

6 FF-45. Although witness KUWASHIMA stated that
7 until the actual establishment of the East Hopei Anti-
8 Comintern Autonomous Regime and the Hopei Chahar
9 political council, the Foreign Office in Tokyo had no
10 knowledge of them,^{a.} he nevertheless identified a tele-
11 gram dispatched from Acting Ambassador FUJII to HIROTA
12 on 15 November 1935, giving information that there were
13 reports on the progress of the independent movement
14 fostered by the Japanese military authorities, and the
15 reports were that North China had come under the control
16 of Japan.^{b.} He also identified a file of newspaper
17 cuttings regarding the North China autonomous movement
18 as having circulated within the Foreign Office, which
19 cuttings had been sent from Ambassador ARIYOSHI in China
20 to Foreign Minister HIROTA on 27 November 1937.^{c.}

21 FF-46. It must have been obvious to the Foreign
22 Office that such movements were well under way and yet
23

24 (FF-44. a. Ex. 197, T. 2283.
25 FF-45. a. T. 29536.
b. Ex. 3242, T. 29537.
c. Ex. 3242-A, T. 29542.)

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c. Ex. 3242-A, T. 29542.)

no measures were taken. Consequently, on 24 November 1935, a "Preparatory Committee for Autonomy in the War Zone" was organized subsequent to Japanese attempts to change the political structure of North China and set up an autonomy.^{a.}

FF-47. On 25 November 1935, the Japanese finally established the Japanese dominated and controlled Eastern Hopei Anti-Comintern Autonomous Council in the demilitarized zone established by the Tangku Truce. This council proclaimed independence of the National Government.^{a.} Subsequently, on 18 December 1935, General Sung Cheh Yuan was appointed Chairman of the Hopei Chahar Political Council established for the administration of North China.^{b.}

FF-48. On 13 January 1936, Foreign Minister HIROTA sent "Gist of Plans for Dealing with North China" to the Japanese Ambassador in China. The plans were drawn up in the Foreign Ministry and dealt with the self-government of North China, co-operation with Japan, etc.^{a.}

FF-49. Simultaneously with the setting up of these autonomous regimes, HIROTA was preparing a plan, the essential policy of which was the securing of stabilization in East Asia by co-operation among Japan,

(FF-46. a. Ex. 210, T. 2702.

FF-47. a. Ex. 210, T. 2702.

b. Ex. 211, T. 2704.

FF-48. a. Ex. 215, T. 2719)

1 Manchukuo and China. This became known as "HIROTA's
 2 Three Principles," and he first set them out in a plan
 3 dispatched to the diplomatic consular officials in China.
 4 These principles were: (1) control of anti-Japanese
 5 activities, (2) tacit consent to the independence of
 6 Manchukuo and cultural and economic co-operation with
 7 her, and (3) removal of communistic tendencies and in-
 8 fluence.^{a.} After considerable discussions with the Army
 9 and Navy, the plan was adopted on 4 October 1935 by the
 10 Premier and War, Navy, Foreign and Finance Ministers.^{b.}
 11 Secrecy was to be maintained by the diplomatic author-
 12 ities.^{c.} On 14 November 1935, SUMA, Consul General at
 13 Nanking, secretly informed HIROTA that Japanese troops
 14 were being concentrated in the vicinity of Shanghai Kwan
 15 and that "grave events might be caused if wrong measures
 16 are taken."^{d.} In conversation with HARADA a few days
 17 later on the 30th November, HIROTA stated with respect
 18 to this concentration of troops that the movement of
 19 these troops south would depend on an Imperial Command.
 20 This fact, however, should be kept secret from the
 21 Chinese, who considered them an immediate threat; and
 22 if they found out they were merely a bluff, the Chinese
 23

24 (FF-49. a. Ex. 3254, T. 29625; Ex. 3255, T. 29630.

b. Ex. 3255, T. 29630.

c. Ex. 3255, T. 29630.

d. Ex. 3256, T. 29633.)

would start to cause trouble. In addition, if the
 1 military faction discovered that China had learned this
 2 secret, they would take strong measures.^{e.}

3 FF-50. SUMA reported on 21 November 1935 that
 4 these principles had been presented to Chiang Kai-shek
 5 by Ambassador ARIYOSHI who had accepted them and had
 6 no 'counter proposals.'^{a.}

7 FF-51. Defense witness KUWASHIMA in his testi-
 8 mony regarding these early peace moves stated that al-
 9 though until May, 1935, Sino-Japanese relations had
 10 improved, the attempted assassination of Tang Yu-jen in
 11 December brought about a considerable change in these
 12 improved relations.^{a.} Again, on cross-examination he
 13 stated that the difficulties in the negotiations were due
 14 to the Chinese and stated that HIROTA was willing to
 15 continue negotiations.^{b.}

17 FF-52. HIROTA on 21 January 1936 publicized
 18 these three principles in a speech to the Diet.^{a.} This
 19 was immediately followed by what is known as "the 26
 20 February Incident," when a large group of Army officers
 21 and men terrorized Tokyo^{b.} in an attempt to gain control
 22 of the government. Although the revolt was subsequently

23 (FF-49. e. Ex. 3779-A, T. 37674.
 24 FF-50. a. Ex. 3257, T. 29635.
 25 FF-51. a. Ex. 3241, T. 29492.
 b. T. 29555-6.
FF-52. a. Ex. 3241, T. 29492.
 b. Ex. 176, T. 1831-3.)

1 put down, it assisted in the fall of the OKADA Cabinet
2 and the formation of a new Cabinet on 9 March 1936,
3 headed by the defendant HIROTA.^{c.}

4 FF-53. During HIROTA's tenure of office as
5 Premier in December, 1936, the so-called Suiyuan
6 Incident broke out.^{a.} Defense witness KUWASHIMA claimed
7 the incident was caused by the activities of officers
8 of the Kwantung Army in Inner Mongolia and was the
9 reason for the change in Sino-Japanese relations.^{b.} He
10 also stated that it would be natural for HIROTA to
11 attempt a diplomatic solution since it was in keeping
12 with his policy. He also denied that the Japanese had
13 any knowledge of the incident until it actually occurred.^{c.}

14 FF-54. On 11 August 1936, the Foreign Ministry
15 and other ministries concerned drew up a program
16 entitled "Important Decisions re International and
17 National Policies, the Second Administrative Policy
18 towards North China." The main purpose of this policy
19 was to set up an anti-communistic, pro-Japanese and
20 pro-Manchurian area, to prepare against an invasion by
21 the Soviet Union and to make North China a base for the
22 co-operation of Japan, Manchukuo and China, as well as
23 for mutual aid. Plans were made for the guidance of

25 (FF-52. c. Ex. 108, T. 706.

FF-53. a. T. 29556.

b. Ex. 3241, T. 29493-4.

c. T. 29556-60.

1 Hopei and Chahar political powers by purging the govern-
2 ment system and increasing Japanese influence and for
3 the guidance of the East Hopei Autonomy Government by
4 reformation of the internal administration. Attention
5 was to be devoted to the economic development of North
6 China, specifying that iron, coal and salt existing in
7 the province should be utilized for "our" national
8 defense.^{a.}

9 VI. OUTBREAK OF THE CHINA INCIDENT AND
10 ATTEMPTS TO SETTLE SAME

11 FF-55. On 7 July 1937 the Marco Polo Bridge
12 Incident broke out,^{a.} although HORINOUCI stated that
13 the Foreign Office did not have the slightest inkling
14 about it.^{b.}

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23 (FF-54. a. Ex. 217, T. 2740.
24 FF-55. a. Ex. 198, T. 2318;
25 Ex. 248, T. 3427;
Ex. 254, T. 3430.
b. Ex. 3260, T. 29684.)

FF-56. HORINOUCI testified that immediately after the outbreak of the China Incident HASHIMOTO, Gun, negotiated a local settlement of the affair which was finally signed on 11 July 1937. The terms were: (1) apologies for the incident by the 29th Army, (2) withdrawal of Chinese forces from Marco Polo Bridge Area and (3) control of anti-Japanese organizations.^{a.} Yet, on the same day the KONOE Cabinet passed a resolution to send more troops to the Marco Polo Bridge Area and^{b.} thereupon gave approval to the Army's proposal to mobilize necessary forces in the homeland and dispatch contingents from the Kwantung and Korean armies to reinforce the North China Stationary Force.^{c.} In view of this, HORINOUCI's attempt to explain away this decision as a precautionary mobilization measure, stating that HIROTA consented to this decision with reservations and that the exclusive purpose of it was the protection of Japanese nationals, seems most unlikely.^{d.} In addition, in the report of the Personnel Affairs Section on "The China Affair", it is stated that at a Cabinet Meeting on the 11th July an important decision was made to take necessary steps in connection with the dispatch of troops

FF-56. a. Ex. 3260, T. 29,685

b. T. 2455

c. Ex. 3260, T. 29,688

d. Ex. 3260, T. 29,689

1 to North China and also to take hasty measures for
2 strengthening the staffs of diplomatic offices in
3 North China.^{e.} While HORINOUCI purported to have
4 knowledge of HIROTA's part in the negotiations to
5 settle the China Incident and testified to everything
6 he said and did, he could not recall an obviously
7 important telegram to the effect that China had
8 accepted Japan's demands on 12 July 1937.^{f.} This tele-
9 gram, according to HARADA, was received on the after-
10 noon of the 12th and stated that China had accepted
11 all demands. The demands, according to HARADA,
12 differed from those quoted by HORINOUCI and were:
13 (1) withdrawal of troops, (2) guarantee of the future,
14 and (3) punishment of responsible officers. While
15 HARADA quoted the military reporter as describing this
16 as "a very sincere answer", the Army considered it a
17 Chinese ruse to stop Japan's military preparations.^{g.}
18 Since the Chinese version of the affair put the blame
19 upon the Japanese,^{h.} it is obvious that these terms
20 could have been agreed upon only under threat of force,
21 whichever version is correct. HORINOUCI admitted
22 that the Foreign Ministry made no independent attempt
23 to find out which version was correct but simply
24

25 FF-56. e. Ex. 260, T. 3487

f. T. 29,755

g. Ex. 3780A, T. 37680

h. T. 2626-34

accepted that of the Japanese Army without question.^{1.}

1 In spite of HORINOUCI's excuse that the purpose of
2 Japan was solely to protect Japanese interests, the
3 Japanese Army again on the 14th attacked the city
4 of "amping on an intensified scale with artillery
5 support.^{j.}

6 FF-57. On 20 July 1937, another Cabinet
7 meeting was held and the decision was made to mobil-
8 ize three home divisions for dispatch to China; the
9 mobilization order for which was issued on 27 July.^{a.}

10 On 26 July, a Japanese ultimatum was handed to the
11 Chinese requesting the withdrawal of troops from the
12 Peiping area in 24 hours.^{b.} HIROTA, in a speech on
13 27 July 1937, and also in a statement to the press on
14 2 September 1937, blamed China for the incident,
15 accusing her of reinforcing her armies there and also
16 rejecting Japanese-Chinese local settlement,^{c.} but he
17 made no mention of the swift mobilization moves by
18 Japan.

19 FF-58. In July, according to HORINOUCI, a
20 draft settlement terms for China was agreed upon by
21 the Premier and the Foreign, Navy, and War Ministers,
22 and approved by Foreign Minister HIROTA on 5 August 1937.

23 FF-56. 1. T. 29,751-52

24 j. T. 2331

c. Ex. 2497, T. 20,876

Ex. 2503, T. 20,873

25 FF-57. a. Ex. 3260, T. 29,690-1

b. T. 2326-34

1 These terms, he said, called for (1) the establishment
2 of unfortified zones along the River Pai-Po and the
3 withdrawal of Japanese and Chinese troops from the
4 areas specified as such, (2) no annexation of terri-
5 tories, and (3) no indemnities.^a However, no such
6 document was produced. It appears that while HORINOUCI
7 himself could not produce this document, the same terms
8 as those to which he referred are included in "Plan for
9 Disposing of Incident", which was approved by the
10 Premier and the Foreign, Army and Navy Ministers on
11 7 August 1937. While this included the three terms
12 which HORINOUCI himself mentioned, it also covers a
13 far wider field, which considerably alters the inter-
14 pretation of these terms. For instance, although
15 settlement was cited as the main purpose, it was also
16 stated that "we should be determined to exercise mili-
17 tary power on a large scale and for a long period of
18 time. Therefore, by taking necessary steps in this
19 direction, we should make quick preparations so as to
20 be able to meet any development in the situation."
21 It is clearly shown that military action was to be
22 prepared for and exploitation of materials necessary
23 for military purposes was to be carried out.

24 FF-58. a. Ex. 3260, T. 29,692
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1 The demilitarized zones, which were to be set up,
 2 apparently were to be demilitarized to the extent
 3 that Chinese forces were to withdraw from what had
 4 been Chinese territory and that area was to be
 5 policed by the Chinese Peace Preservation Corps,
 6 whose strength was to be decided by the Japanese --
 7 giving the Japanese in effect all they desired. Also
 8 included was the promise which Japan continually
 9 attempted to extract from China -- "that China would
 10 give a tacit promise to leave Manchukuo alone."^{b.}

11 KAWABE, who was a section chief of the General Staff
 12 and who took charge of the affairs relative to tact-
 13 ics in the Central Military Supreme Command from
 14 March 1937 to February 1938,^{c.} testified to the situa-
 15 tion during this time, but professed ignorance of this
 16 meeting of 7 August.^{d.}

17 FF-59. Even Germany at this time condemned
 18 the Japanese in regard to their actions in China as
 19 revealed in a telegram from the German Foreign Minis-
 20 try to the German Embassy in Tokyo, dated 28 July
 21 1937, complaining that Japanese aggression in China was
 22 contrary to the Anti-Comintern Pact and was forcing
 23 China into the arms of Russia.^{a.}

24 FF-58. b. Ex. 3735, T. 37,219 FF-59. a. Ex. 486, T. 5975.
 25 c. Ex. 2582, T. 21,974
 d. T. 22,029

FF-60. In early August Missary FUNATSU
 1 was dispatched by HIROTA to help settle the affair.
 2 His mission was to be kept secret and instructions
 3 were sent by HIROTA to this effect.^{a.} A draft pro-
 4 posal of demands which were to form the basis of
 5 FUNATSU's negotiations were cabled on 7 August to
 6 Ambassador KAWAGOE. These terms differed from the
 7 previous local terms and requested: (1) majority of
 8 Hopei Province and six provinces of Chapei to be
 9 declared a demilitarized zone, (2) abrogation of Tangku
 10 Truce, (3) liquidation of the Hopei Chahar and East
 11 Hopei administration and direct administration of the
 12 area by Nanking Government, (4) economic cooperation
 13 between Japan and China to be arranged.^{b.} More instruc-
 14 tions as to the form of these negotiations were sent
 15 by HIROTA on 7 August, after consultation with the Navy,
 16 War and Foreign Ministers. These instructions im-
 17 pressed the importance of the Chinese initiating the
 18 Truce.^{c.} Nevertheless, OKAMOTO stated that the out-
 19 break of the "OYAMA Incident" on 9 August in Shanghai,
 20 where the negotiations were taking place, brought
 21 about a rupture and subsequent failure in the nego-
 22 tiations.^{d.}

25 F-60. a. Ex. 3275, T. 29917
 b. Ex. 3275, T. 29921
 c. Ex. 3276, T. 29926
 d. Ex. 3274, T. 29925

1 FF-61. On 9 August 1937, the Shanghai Inci-
 2 dent or "OYAMA Incident" broke out, which HORINOUCI
 3 attributed to the killing of a Japanese Naval officer
 4 by Chinese soldiers,^{a.} though independent enquiry
 5 would have shown the absurdity of the Japanese version
 6 of this affair as appears from the cross-examination
 7 of TAKEDA.^{b.} In addition, the Premier and the Foreign,
 8 Army and Navy Ministers on 7 August 1937, decided that
 9 the "Principal areas for using military force on land
 10 shall be Hopei-Chahar and Shanghai."^{c.} Defense wit-
 11 ness HORINOUCI, when questioned, denied knowledge
 12 regarding a Cabinet meeting on 12 August 1937, which
 13 decided to withhold the mobilization order, despite
 14 the fact that he had testified concerning the incident
 15 and stated that reports and studies were forwarded to
 16 the Foreign Office and that HIROTA himself had done
 17 all in his power to bring about a local settlement.^{d.}
 18 However, HARADA on 13 August 1937 refers to this
 19 Cabinet meeting, quoting HIROTA as having said, "If
 20 we should announce the issuing of the mobilization
 21 order, then the situation will be troublesome, so at
 22 yesterday's Cabinet meeting, it was decided that the
 23 mobilization order will be issued but not announced."^{e.}
 24

25 FF-61. a. Ex. 58, T. 3305; Ex. 3260, T. 29693

b. T. 21257-320

c. Ex. 3735, T. 37219

d. T. 29,764-6

e. Ex. 3781A, T. 37687

HIROTA, in a speech on 2 September 1937, blamed China for the incident, attributing it not only to the murder of two Japanese sailors but also to the fact that China had violated the agreement for the cessation of hostilities (1932).^{f.} Again, on 5 September 1937, HIROTA attempted to justify Japan's attack on Shanghai on 9 August by placing blame on the Chinese;^{g.} however, within less than forty-eight hours after the initial incident, Japan had concentrated about thirty warships in Shanghai and increased her armed forces there by several thousand,^h and HIROTA himself gave his approval to the increase of Japanese marines in Shanghai and the dispatch of these warships there.^{i.}

FF-62. ARITA was then dispatched on a tour of Manchuria, Peiping and other places, and was also to conduct unofficial conversations in Shanghai with the Chinese, but these conversations did not materialize due to the fact that the situation did not take a favorable turn for his visit to Shanghai.^{a.}

FF-63. At the same time that these moves for settlement were supposed to have been made, the central authorities in Tokyo were going on with mobilization measures. For example, on 24 September

FF-61. f. Ex. 2503, T.20,873 FF-62. a. Ex.3260,T.29,694
 g. Ex. 2503, T.20,868;
 Ex. 58, T. 3303
 h. Ex. 58, T. 3305
 i. T. 29,764

1 1937, the Cabinet decided on the mobilization of four
 2 divisions and the holding of four other divisions in
 3 readiness.^{a.} HORINOUCI agreed that something to this
 4 effect had been decided.^{b.}

5 FF-64. Grew's offer of mediation to HIROTA
 6 on 22 July 1937 was rejected by the latter, who stated
 7 that local settlement was still hoped for.^{e.} Again
 8 on 6 August 1937, the British Government proposed to
 9 the United States that an Anglo-American offer of good
 10 offices be extended to both the Chinese and Japanese
 11 and requested the opinion of Dodds and Grew on Japan's
 12 probable reaction to such an offer.^{b.} Hence, on 10
 13 August 1937, Grew offered his help to Foreign Minister
 14 HIROTA in the present situation, stating that he had
 15 been authorized to say this was a definite offer of
 16 good offices. He suggested arranging a meeting of
 17 Japanese and Chinese plenipotentiaries to conduct
 18 negotiations.^{c.} According to HARADA, HIROTA's per-
 19 sonal idea for Japanese demands, which he expressed to
 20 the British Ambassador around 26 September, were:
 21 (1) setting up of a demilitarized zone by drawing a
 22 line slightly south of Tientsin and Peiping, and
 23 stationing Chinese and Japanese troops there, (2)

24 FF-63. a. Ex. 3782A, T. 37689

25 b. T. 29,766

FF-64. a. Ex. 3260, T. 29,692

b. Ex. 3279, T. 29,934

c. Ex. 950, T. 9435.

1 recognition of Manchukuo, (3) cessation of anti-
2 Japanese movements, (4) defense against communism, and
3 (5) equal diplomatic opportunity in North China.^{d.}

4 While HORINOCHI agreed in general that this was the
5 gist of the demands, he refused to admit that Japan was
6 using her military gains to obtain the recognition of
7 Manchukuo, although he admitted that HIROTA had for
8 years been attempting to persuade the Chinese Government
9 to agree to this.^{e.} Nevertheless, Japan took no
10 steps to pursue the subject of Anglo-American good
11 offices, although HORINOCHI stated that a decision
12 was made by the Premier, the Foreign and War Ministers
13 to request the good offices of a third power^{f.} in the
14 event that negotiations on the basis of the terms in
15 the August plan failed.

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23 FF-64. d. Ex. 3783A, T. 37692
24 e. T. 29,767-70
25 f. Ex. 3260, T. 29,695

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FF-65. On 6 October 1937, "An Outline
Regarding the Settlement of the China Incident"
was drawn up and signed by the Premier and the Army,
Navy and Foreign Ministers (HIROTA). It stated that
the object of the diplomatic measures was to induce
China into a position Japan desired and to make her
give up anti-Japanese and pro-communistic tendencies.
Japan was to prepare militarily for any change in
the situation by enforcing nation-wide mobilization.
Plans were formulated concerning the administration
for North, South and Central China areas, and the
conditions for settlement of the Incident were
decided upon. Simultaneously or subsequently to
the truce, negotiations regarding the readjustment
of Sino-Japanese relations were to be conducted to
include: the recognition of Manchukuo by China,
abolition of Hopei-Chahar Council and Eastern
Hopei Regime, conclusion of anti-Comintern Pact
between Japan and China, and suppression of anti-
Japanism.^{a.}

FF-66. Again on 27 October, HIROTA met
Craigie who offered to do anything in his power to
help settle the China Incident, to which HIROTA

FF-65.

a. Ex. 3262, T. 29771.

1 replied that it was his desire to have the assistance
2 of Great Britain. On the basis of this "feeler,"
3 HIROTA discussed with Craigie the possible peace
4 terms.^{a.} HORINOUCI admitted that at this time
5 there was a strong anti-British movement in Japan
6 and that HIROTA on 1 November 1937, stated that in
7 view of the fact that Britain was the most suitable
8 mediator in the dispute, such movements would be
9 troublesome and embarrassing to Japan.^{b.} He could
10 not, however, recall the end of the conversation in
11 which HIROTA expressed the fact that Japan might
12 eventually have to fight England, although at that
13 moment the time was not ripe^{c.} for an Anglo-Japanese
14 war. Although HIROTA was supposed to be so anxious
15 for Britain or America to mediate in the dispute,
16 nevertheless, their offers of good offices were
17 turned down. According to HORINOUCI, this was
18 because of Army opposition, and it was contrary to
19 HIROTA's wish that Germany was finally selected as
20 the mediator.^{d.}

22 FF-67. As can be seen, Japan did not
23 actually wish for British mediation. SATO's speech
24 on 25 and 29 August 1938, in which he reviewed the
25 FF-66.

a. T. 29741.

c. Ex. 3784A, T. 37695.

b. T. 29793.

d. Ex. 3260, T. 29700.

1 policy regarding the China Incident, condemned
2 Britain as a supporter of Chiang Kai-shek and
3 called for the elimination of British economic support
4 to China.^a Also, at the very time at which HIROTA
5 was consulting with Craigie on the subject of this
6 mediation, Japan had already on or about 26 October
7 1937 requested Germany to use her good offices in
8 the dispute.^b As late as 5 November 1937, HARADA
9 recorded that HIROTA had very recently in a conver-
10 sation with Craigie on this subject assured the
11 latter that it would not do at all for Germany or
12 Italy to act as intermediaries.^c HORINOUCI attempted
13 to explain that Japan was advocating a joint German-
14 British intervention,^d yet no mention of such a
15 coalition was made by HARADA. It appears very clear
16 that HIROTA wished to give the British Ambassador the
17 impression that Britain was the best mediator, but
18 he actually had no intention of using her good
19 offices and had already agreed to German mediation
20 when he hypocritically consulted Craigie. On 5 Novem-
21 ber 1937, certain peace terms were proposed to the
22 Chinese National Government by Japan through the good
23

24 FF-67.

25 a. Ex. 2235, T. 16069.

b. T. 29796.

c. Ex. 3785A, T. 37697.

d. T. 29798.

offices of Germany.^e

1 FF-68. In a decision of the War and Foreign
2 Ministries on 22 October 1937, it was stated that
3 when the military purpose was practically attained
4 the Nanking Government under force of this pressure
5 would sue for peace. Again, it was stated that it
6 would be a good move for England and the United States
7 to draw China into negotiations, while it would be
8 excellent for Italy and Germany to act as the media-
9 tors on China's request. Care was to be taken not to
10 publicize any moves towards mediation, in case it
11 gave the impression of weakness.^a Defense witness
12 HORINOUCHI professed ignorance concerning this meeting
13 and denied that peace moves were to be made when
14 Japan had attained her end in China. He contended
15 that the military operations there were confined to
16 the safeguarding of Japanese interests, irrespective
17 of the fact that such "safeguarding" appeared to
18 necessitate the occupation of large parts of China.^b
19 On 16 November 1937, after German participation had
20 already commenced, HIROTA in a talk with Grew stated
21 the United States could assist by persuading Chiang
22 Kai-shek to negotiate for peace, and HIROTA said that

23 FF-67.

24 e. Ex. 486B, T. 5983.

25 FF-68.

a. Ex. 3268, T. 37245.
b. T. 29786-93.

1 peace would be "reasonable" and "not a foot of
2 Chinese territory would be kept by Japan."^c.

3 FF-69. Subsequently on 28 and 29 November
4 and 2 December, Germany again communicated Japan's
5 intentions to the Chinese government stating that in
6 spite of recent military successes gained by Japan,
7 the terms proposed by the Japanese Government in early
8 November were still the same.^a From the fact that
9 on 7 December 1937, HIROTA had told KONOYE that he
10 had told the Chinese that if the war situation changed
11 the terms would also change, it may be inferred that
12 not only did HIROTA issue false statements to the
13 Chinese, but when it so assisted him, he did so to
14 his own colleagues.^b HORINOUCHI stated that a Liaison
15 Conference was held on the 20th to discuss new terms,
16 and the four main points were decided on.^c KIDO
17 stated both in his diary^d and in cross-examination^e
18 that he attended the Cabinet meeting on 21 December
19 1937 where the actual terms were decided and stated
20 that Foreign Minister HIROTA was given full authority
21 with respect to the handling of the terms. These terms
22 were: (1) Chinese were to cooperate in anti-Comintern
23

24 FF-68.

c. Ex. 3284, T. 29957.

FF-69.

b. Ex. 3786A, T. 37698.

c. Ex. 3260, T. 29702.

FF-69.

a. Ex. 486B, T. 5983.

d. Ex. 2259, T. 16222.

e. T. 31427-47.

policy, (2) unfortified zones were to be set up,
 1 (3) there were to be necessary reparations from
 2 Chinese Government, (4) there was to be close economic
 3 relations between Japan and China. These, HORINOUCHI
 4 stated, were naturally more severe than the August
 5 terms.^{f.} According to HARADA, the terms first pro-
 6 posed to the Cabinet were of a concrete character at
 7 the request of the General Staff who wanted to stop
 8 the war as soon as possible, but the Cabinet, at the
 9 insistence of KIDO, changed them to the above-
 10 mentioned four abstract terms. HIROTA advocated the
 11 inclusion of Shantung in the area of a new Chinese
 12 Government.^{g.}

14 FF-70. On 20 and 27 December, the Japanese
 15 through the good offices of Germany dispatched certain
 16 "Basic Conditions," i.e., the terms above set out,
 17 with an explanation that the new conditions were pro-
 18 posed by Japan because of the change in circumstances.^{a.}

19 FF-71. On 24 December 1937, the Cabinet
 20 Council decided on "Outline of Measures for the China
 21 Incident." While they had only just commenced negotia-
 22 tions with the National Government for settlement of
 23 the affair, it is stated in the decision, "we shall
 24

25 FF-69. f. Ex. 3260, T. 29702. FF-70. a. Ex. 486B, T. 5984.
 g. Ex. 3788A, T. 37709.

not necessarily expect the conclusion of the negotiations with the Nanking Government, but while striving separately to save the situation, we will, as the military operations progress, in order to cope with the drawn-out resistance by the Nanking Government, take measures according to the following policy in North China and Central China areas."^a.

FF-72. On 5 January 1938, Ambassador Dirksen informed the German Foreign Office that Japan was impatient for a swift reply from the Chinese regarding the proposals because new military operations were being planned.^a.

FF-73. On 10 January 1938, Ambassador Dirksen cabled the German Foreign Minister once more, stating that HIROTA was insisting on a reply from the Chinese with the utmost speed, and the military were demanding an immediate and clear answer.^a.

FF-74. In a memorandum of von Neurath dated 10 January 1938, he recorded that TOGO explained that although Japan wished peace with China, she would carry on the fight to the bitter end and terms would become harder the longer the fight continued.^a.

FF-71. a. Ex. 3263, T. 29875. FF-73. a. Ex. 486F, T. 5993.

FF-72. a. Ex. 486D, T. 5994. FF-74. a. Ex. 486D, T. 5991.

1 FF-75. On 10 January 1938, a Cabinet con-
2 ference was held to discuss the settlement of the
3 China Incident preparatory to the Imperial Conference.
4 At this conference, it was revealed that the General
5 Staff considered the peace terms too aggressive and
6 felt they might thus impair further diplomatic rela-
7 tions, and so advocated a meeting in the Emperor's
8 presence to prepare a counterpolicy against the
9 domestic tendency which was likely to become too
10 aggressive. The Foreign Office and Navy applauded
11 this view and agreed it might be a good thing to hold
12 the proposed meeting in the presence of the Emperor
13 in order to keep the said spirit alive.^{a.}

14 FF-76. But on 11 January 1938, HIROTA
15 attended an Imperial Conference for the purpose of
16 deciding the national policy towards China. At this
17 conference, the main policy of Japan was stated to be
18 the establishment of a Japan-Manchukuo-China bloc.
19 Negotiations with the Chinese National Government
20 were not to be barred if China sincerely asked for
21 reconciliation, although the terms which were set out
22 as being applicable in such a case were so severe that
23 any hope of agreement would be virtually impossible.

24 FF-75.

25 a. Ex. 3265, T. 29855.

1 Not only did Japan, in these proposed conditions,
2 call for recognition of Manchukuo and renunciation
3 of anti-Japanese and anti-Manchukuo tendencies, but
4 also required the establishment of an organization
5 in North China to realize the co-prosperity of Japan,
6 Manchuria and China, and the establishment of an
7 anti-communistic self-government in Inner Mongolia,
8 and also the conclusion of an agreement regarding
9 exploitation of natural resources and due reparations
10 from China.^a

11 FF-77. Even the Germans were doubtful of
12 Japan's true intent in the negotiations as can be
13 seen in a telegram from Ambassador Trautmann, dated
14 11 January 1938. In this, he stated that "The
15 Japanese seem to be altering for the second time
16 their statements which were sent through us. . .
17 Transmission of such altered statements is considered
18 here as a 'dirty trick' which the Japanese are playing
19 on us."^a On 13 January 1938, Trautmann cabled the
20 German Foreign Minister that the Chinese Government
21 had replied to Japan, stating that the altered terms
22 were too broad in scope and requesting they be apprised
23 of the nature and content of the newly submitted
24

25 FF-76.

a. Ex. 3264, T. 29837.

FF-77.

a. Ex. 486D, T. 5989.

proposals.^{b.}

1 FF-78. HORINOUCI said that since the
2 Japanese Government had submitted a detailed explana-
3 tion together with the four fundamental principles,
4 they were angered with this Chinese reply, consider-
5 ing it an artifice to delay the settlement on
6 purpose.^{a.} HORINOUCI stated these details covering
7 reparations, etc., were submitted through the German
8 Ambassador.^{b.} Nevertheless, when on 14 January 1938,
9 Dirksen cabled the German Foreign Minister informing
10 him that HIROTA had said he was very angry at the
11 "meaningless Chinese declaration," the German
12 Ambassador reported he replied to HIROTA that the
13 Chinese Government had knowledge of only the four
14 fundamental conditions and any further communications
15 from the Foreign Minister to the Chinese Government
16 had been forwarded in a very indefinite form in
17 compliance with HIROTA's wishes.^{c.} Defense witness
18 KAWABE too admitted that the General Staff had pre-
19 viously advocated clearer terms and were anxious for
20 a settlement with China, although the actual terms
21 which were agreed on at the Cabinet meeting of the

24 FF-77.

b. Ex. 486B, T. 5984.

FF-78.

b. T. 29810.

c. Ex. 486J, T. 5986.

25 FF-78.

a. Ex. 3260, T. 29703.

1 21st December were expressed abstractly and extremely
2 vaguely.^{d.} Yet, witness HORINOUCHI not only failed
3 to recall whether these negotiations were presented
4 at a Cabinet meeting, but also that the General Staff
5 advocated a swift solution to the conflict,^{e.} even
6 though his testimony had in effect been largely
7 devoted to these peace proposals. Again, this
8 obvious lying is demonstrated by an entry by HARADA
9 on 15 January, where he makes reference to the
10 Foreign Minister's (HIROTA) remarks that the Chinese
11 were well aware of the concrete proposals and were
12 bluffing and, therefore, there was nothing to do but
13 launch the alternative plan of long-term warfare.^{f.}

14 FF-79. KAWABE stated that he was not aware
15 that the Chinese Government had on 15 January requested
16 more detailed peace terms and had assured the Japanese
17 Government that they were not doing so for purposes
18 of evasion.^{a.} Trautmann stated in a cable on 15 Jan-
19 uary 1938, that KUNG had requested that a report be
20 forwarded to Foreign Minister HIROTA informing him of
21 China's sincere wish for peace and earnest wish to be
22 informed of the nature and contents of the basic
23 conditions.^{b.}

25 FF-78.

d. T. 22046-50.

e. T. 29803.

f. Ex. 3789A, T. 37718.

FF-79.

a. T. 22060.

b. Ex. 3736, T. 37264.

1 FF-80. Without making any attempt to comply
2 with China's request for a more detailed explanation,
3 the Japanese Cabinet Council met on 15 January to
4 discuss this reply, and a decision was subsequently
5 made "not to deal with the National Government" on
6 the basis that the Chinese reply lacked sincerity.^a
7 That this announcement had, in fact, been considered
8 more than a month previously can be seen from HARADA's
9 diary of 11 December 1937, in which KONOYE remarked
10 that "when Nanking falls, Chiang Kai-shek's govern-
11 ment is going to collapse and KONOYE is going to
12 issue a statement withdrawing recognition from
13 Chiang's government."^b Although HIROTA telephoned
14 HARADA on 17 January, stating that "As the Chinese
15 Government failed to accept the proposal (determined
16 by the Japanese Government), the Council, held in the
17 presence of His Majesty, arrived at a decision to
18 launch into the alternative plan," he had at a meeting
19 the previous day personally advocated that very
20 decision,^c which is not to be found in the statement
21 of the decision of the Imperial Conference. This
22 statement of the decision was issued on 16 January
23 1938 and declared the "Imperial Government will not
24 FF-80.

a. Ex. 3260, T. 29704.

b. Ex. 3787A, T. 37702.

c. Ex. 3789A, T. 37718.

1 care for the National Government hereafter, and
 2 expects the establishment and development of a new
 3 government of China that will be a worthy coalition
 4 with our Empire."^d. While HORINOUCI asserted that
 5 this statement was so worded as to leave room for
 6 further negotiation with the Nationalist Government,^e.
 7 this cannot be gathered from its text, and KIDO
 8 referred to it as a fixed policy and an epoch-making
 9 announcement.^f.

10 FF-81. On 16 January 1938, the Japanese
 11 Foreign Minister handed to the German Ambassador
 12 Japan's statement regarding the breaking-off of
 13 negotiations between Japan and China for transmission
 14 to Hankow.^a. In a cable to the Reichsminister on
 15 17 January 1938, Dirksen condemned the action of
 16 Japan in breaking off the negotiations and cited her
 17 as being responsible to the world for such action.^b.
 18 HIROTA himself, when reviewing the negotiations in an
 19 address to the 73d Diet Session on 16 February 1938,
 20 said that Japan had never tried to compromise with
 21 Chiang Kai-shek and would only enter into direct
 22 negotiation if Chiang Kai-shek accepted the Japanese
 23

24 FF-80.

25 d. Ex. 268, T. 3563.
 e. Ex. 3260, T. 29705.
 f. Ex. 2260, T. 16223.

FF-81.

a. Ex. 486B, T. 5997.
 b. Ex. 486G, T. 5999.

1 terms, and that Japan had pursued a policy of chas-
2 tising China in order to change her attitude.^{c.}

3 FF-82. In an address on 22 January 1938,
4 HIROTA attempted publicly to explain away the failure
5 of the negotiations, placing the responsibility on
6 the Chinese and claiming Japan had no intention of
7 separating North China from the rest of the country;^{a.}
8 whereas, only a month previously on 24 December 1937,
9 HIROTA had been a party to the policy decided for
10 the North China Central areas in the event of failure
11 of negotiations. In this it was stated that it was
12 vital to create a new North China Regime capable of
13 winning public confidence not only in North China,
14 but also in Central and South China. Areas to be
15 included in the new North China Regime were mainly
16 Hopei, Shantung, Shanshi, and part of Chahar Province.
17 Regarding the economical development, its object was
18 to strengthen the synthetic relations of Japanese
19 and Manchurian economy and to increase the production
20 of necessary materials for the national defense in a
21 broader sense in Japan and Manchuria.^{b.} Immediately
22 following the fall of Nanking in December 1937, moves
23 were made to establish a new regime in China. The

24 FF-81.

25 c. Ex. 3737A, T. 37285.

FF-82.

a. Ex. 972G, T. 9521.

b. Ex. 3263, T. 29815.

1 Shanghai-Tatao Municipal Government was organized
2 in Shanghai on 5 December, and the Nanking Public
3 Order Maintenance Association and the Hangchow Public
4 Order Maintenance Association were established on
5 1 January 1938. The Restoration Government itself
6 was to be formally established on 28 March 1938 and,
7 as a result, a number of local governments were then
8 going to be created under its control. Thus, the
9 provincial governments in Kiangsu Province, Chekiang
10 Province, and Anhui Province, and the Governor's
11 Municipal Public Administration office at Nanking
12 came into being on 23 May, 20 June, 23 July and
13 24 April 1938, respectively; the Governor's Municipal
14 Public Administration office of Shanghai was estab-
15 lished on 28 April 1938; all were established only
16 a few months after this obviously meaningless declar-
17 ation of HIROTA.^c

18 FF-83. On 27 January 1938, the program for
19 the direction of the Central China Administration was
20 decided on, the fundamental point of which was to
21 establish a highly pro-Japanese regime, dependent
22 on Japan.^a

24 FF-84. Japan, having discarded any thought

25 FF-82.

c. Ex. 463, T. 5296.

FF-83.

a. Ex. 463, T. 5311-15.

1 of peaceful settlement with Chiang Kai-shek, now
2 set out on preparations for a long drawn-out conflict,
3 as evidenced by TOGO's interview with von Neurath on
4 28 January 1938, in which TOGO on behalf of the
5 Japanese Government made overtures concerning in-
6 creased trade with Germany and Japan's desire for
7 long-term credits with that country.^a Also, in a
8 memorandum to HIROTA on 21 January 1938, KONOYE
9 stated that general mobilization would be completed
10 according to the necessity of national defense and
11 plans made for general preparedness. Furthermore,
12 not only were all measures to be taken in response
13 to the prolonged resistance of China, but also in
14 addition, rapid overseas expansion was to be planned
15 and the complete military preparedness of the nation
16 assured.^b

17 FF-85. The attempts by Japan to bring about
18 a swift disintegration of the Nationalist Regime were
19 not only devoted to military moves, but also included
20 the use of more subtle methods, such as propaganda.
21 On 8 February 1938, HIROTA cabled diplomatic officials
22 in Hong Kong and Shanghai informing them that the
23 Foreign Office had been making various propaganda
24 leaflets and pamphlets in order to bring about th

25 FF-84.

b. Ex. 3270, T. 37248.

1 disintegration within the enemy's army and to
2 alienate the people's minds. He then set out the
3 methods to be adopted in their particular areas.^{a.}
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25 FF-85.

a. Ex. 3271-A, T. 37255.

VII. RELATIONS WITH UNITED STATES AND
GREAT BRITAIN AND PREPARATIONS FOR
AGGRESSIVE WAR.

FF-86. Immediately after HIROTA's appointment as Foreign Minister, he told Ambassador Grew on 18 September 1933, that the cornerstone of his policy would be the furtherance of better relations between Japan and the United States.^a Again on 23 January 1934, HIROTA made a speech at the 65th Diet Session in which he expressed hope for friendship between the United States and Japan despite previous difficulties which had arisen out of the Manchurian Incident.^b

FF-87. These statements are contradicted by the actual policy as followed. For instance, while on 21 February 1934, HIROTA had again assured Hull that Japan sought no special privileges in China,^a the Japanese Foreign Office on 17 April 1934, issued the statement which made clear Japan's purpose to compel China to follow her dictates to the exclusion of third power interests.^b Witness KUWAS HIMA denied that this statement was the true policy of Japan. He said that AMAU issued the statement without HIROTA's

FF-86. a. Ex. 3236, T. 29,448

b. Ex. 3237, T. 29,458

FF-87. a. Ex. 174, T. 1806

Ex. 3239, T. 29,466

b. T. 10,720, Ex. 935, T. 9389

1 knowledge and that it was the result of a patchwork
 2 of telegraphic instructions which the Japanese had
 3 sent to China regarding the attitude of a League of
 4 Nations' delegate Monnet.^c Yet, in cross-examination
 5 the unlikelihood of this explanation is shown, since
 6 he continued to assert the Japanese statements to
 7 Monnet were true but he denied the validity of the
 8 actual statement.^d Also HARADA on 17 April 1934,
 9 discussed the AMAU statement in his diary, recording
 10 his personal feelings for AMAU as favorable, but
 11 stating that AMAU was "somewhat careless in some
 12 ways," although HIROTA and SHIGEMITSU said that it
 13 was not serious.^e From this it seems clear that
 14 AMAU's only fault was that he made public statements.
 15 Denials and regrets concerning this statement were
 16 immediately issued by the Foreign Office.^f HIROTA
 17 again assured the United States that Japan did not
 18 seek to create difficulties in trade with other
 19 countries^g nor was her ultimate motive an overlord-
 20 ship of the Orient, and that Japan had no intention
 21 of denouncing or abrogating any treaties in this
 22 regard.^h
 23

24 FF-87. d. T. 29,528 c. Ex. 3241, T. 29,486
 e. Ex. 3776-A, T. 37,660
 25 f. Ex. 3245, T. 29,584; Ex. 3246, T. 29,587
 g. Ex. 936, T. 9393
 h. Ex. 937, T. 9395

1 FF-88. Nevertheless, Japan's disregard for
2 the "open door" policy continued and on 31 August
3 1934, Grew drew HIROTA's attention to the oil monop-
4 oly in Manchuria, contending these monopoly plans
5 were being formulated under Japanese guidance and
6 hence the United States was approaching Japan on the
7 subject.^a HIROTA, in a reply on 30 November 1934,
8 stated that the control of the oil industry in Man-
9 churia was not within the knowledge of Japan.^b This
10 statement was untrue, as may be seen from the Cabinet
11 decision to which HIROTA was a party of the previous
12 20th March,^c which provides a policy for directing
13 the economic development of Manchukuo, and in par-
14 ticular the petroleum industry, and the operation
15 of thirteen other industries under special companies
16 "directly or indirectly under the special protection
17 and supervision of the Empire." Thus, Japan took no
18 steps to remedy this monopoly, and so on 16 April
19 1935, Ambassador Grew in an oral statement called
20 attention to the part played by Japan in this regard
21 and warned her that this action would have an unfavor-
22 able effect on public opinion in the United States.
23

24 FF-88.

- 25 a. Ex. 965, T. 9481
b. Ex. 939, T. 9406
c. Ex. 236, T. 2939
d. Ex. 941, T. 9414

FF-89. In a speech to the Diet on 22
 1 January 1935, HIROTA expressed the good understanding
 2 which existed between Japan, the United States and
 3 Great Britain. He stated that the spirit of their
 4 policy was the fostering of good will and fraternal
 5 sentiments without mutual menace.^a

FF-90. On 12 June 1936, Hull again complained
 7 to HIROTA in a memorandum that the United States had
 8 the impression that Japan was seeking economic domin-
 9 ation, first in East Asia and then in other places.^a

FF-91. On 26 August 1937, British Ambassa-
 12 dor to China, Sir Hugh Knatchbull Hugessen, was
 13 wounded when Japanese planes machine-gunned and
 14 bombed the car in which he was riding.^a In reply to
 15 a protest concerning this incident, HIROTA replied
 16 to the British Ambassador in Japan that an investiga-
 17 tion was being made into the affair.^b On 21 Septem-
 18 ber 1937, HIROTA gave a full explanation of the
 19 affair, admitting the identity of the planes as Japan-
 20 ese and apologizing for the incident,^c to which the
 21 British Ambassador replied on 23 September, stating
 22 that the incident was now considered closed.^d

FF-89. a. Ex. 3247, T. 29,593

FF-90. a. Ex. 948, T. 9427

FF-91. a. Ex. 265, T. 3538

b. Ex. 2519, T. 21,337

c. Ex. 265, T. 3539

d. Ex. 2520, T. 21,341

FF-92. Whereas HORINOUCI stated that
 HIROTA's policy was directed at safeguarding the
 interests of third powers in China^a and HIROTA him-
 self on 2 September 1937, in a statement to the press
 declared that the rights and interests of third pow-
 ers would be safeguarded by Japan,^b lives, property
 and interests of United States nationals were con-
 tinually attacked by Japanese military. Protests
 such as the American Government's protest on 1
 September 1937 re bombing of non-military objectives,^c
 Grew's message to HIROTA on 17 September 1937, con-
 cerning Japanese attacks upon United States nationals
 citing the bombing of the United States Missionary
 Hospital at Haichow,^d Grew's message to HIROTA on
 4 February 1938 concerning the utter disregard by
 Japanese military of United States property in China,^e
 and Grew's protest on 26 March 1938 concerning Japan-
 ese occupation of American properties in Shanghai and
 the looting and destruction which had taken place^f
 brought forth no remedial measures. On 3 October
 1938, Grew spoke to KONOYE, referring to the many
 conferences he had had with HIROTA concerning the

FF-92.

a. Ex. 3260, T. 29,705

b. Ex. 2503, T. 20,873

c. Ex. 988, T. 9568

d. Ex. 955, T. 9456

e. Ex. 969, T. 9496

f. Ex. 971, T. 9503

1 protection of United States interests in China and
 2 the definite assurances which he had been given --
 3 only to be followed by more violations of United
 4 States interests and rights.³

5 FF-93. On 12 December 1937, the USS Panay
 6 was operating in the Yangtze River protecting United
 7 States and other foreign nationals and maintaining
 8 direct communication between the United States Em-
 9 bassy at Nanking and the American Ambassador at Han-
 10 kow. She was attacked by three Japanese planes with-
 11 out warning and subsequently sunk. Survivors were
 12 later rescued and picked up by HMS Ladybird and USS
 13 Oahu.^a HASHIMOTO, Kingoro, admitted that under orders
 14 from General YANAGAWA, he shelled the Ladybird and
 15 took her into custody when she was enroute to help
 16 the Panay.^b The State Department issued a statement
 17 on the sinking of the USS Panay and the three mer-
 18 chantmen.^c

19 FF-94. HIROTA, who held the position of
 20 Foreign Minister at this time, received a protest
 21 from the Secretary of State through Grew concerning
 22 this sinking.^a Consequently, the Japanese Government

24 FF-92. g. Ex. 973, T. 9534

25 FF-93. a. Ex. 263, T. 3517

b. Ex. 258, T. 3466; Ex. 2188, T. 15,674

c. Ex. 2527, T. 21,367

FF-94. a. Ex. 2343, T. 17,694

1 in a note signed by HIROTA, dated 14 December, to
 2 the American Government, apologized for the incident,
 3 explaining that owing to poor visibility the aircraft
 4 were unable to identify the boats as American, and
 5 consequently, the Panay and three merchantmen were
 6 mistaken for Chinese vessels carrying fleeing Chinese
 7 troops;^b he again expressed regret in notes dated
 8 24 and 26 December reiterating that the bombing was
 9 done by mistake.^c HIROTA dispatched a note to the
 10 British Ambassador apologizing for the incident and
 11 stating that it was done by mistake and that Japan
 12 was prepared to make necessary indemnification.^d
 13 Grew recorded HIROTA's regret about the sinking of
 14 the Panay in his diary on 13 December.^e Nevertheless,
 15 the excuse that these occurrences were accidental is
 16 shown to be untrue by the evidence mentioned above
 17 and must have been known to be untrue by HIROTA.

18 FF-95. On 31 January 1938, Grew protested to
 19 HIROTA concerning the recent revisions of customs
 20 rates on certain articles in North China trade by the
 21 Japanese-sponsored Peiping Provisional Government.
 22 He stated that the United States considered the
 23

24 FF-94.

- 25 b. Ex. 2521, T. 21,346-7
 c. Ex. 2522, T. 21,350; Ex. 2523, T. 21,353
 d. Ex. 2527, T. 21,367
 e. Ex. 3285, T. 29,693

1 Chinese Government the only one entitled to do this
2 and pointed out the illegal assumption of authority
3 by the Peiping Provisional Government. He stated
4 that since Japan was responsible for the creation of
5 this regime, the United States addressed her repre-
6 sentations to Japan when acts of this regime affected
7 the interests of foreign governments. He emphasized
8 that the United States could not accept Japan's im-
9 plied disclaimer of responsibility with regard to
10 individual policy in North China.^a

11 FF-96. Seemingly, in order to dispel any
12 doubt which the United States had regarding Japan's
13 future military moves, HIROTA on 18 May 1936, ap-
14 proached Grew disclaiming any Japanese design on
15 the Philippines and stating that he would be pleased
16 to dispel any rumors by entering into conversations
17 with the United States.^a Nevertheless, he had been
18 a participant as Premier in the decision of 30 June
19 1936, where the basis of Japan's national policy had
20 been decided, which was to include "getting rid of
21 the menace of the USSR, while preparing against Great
22 Britain and the United States."^b The substance of this
23 was repeated and emphasized in a conference of 7
24

25 FF-95. a. Ex. 968, T. 9493

FF-96. a. Ex. 997, T. 9607

b. Ex. 977, T. 9542; Ex. 978, T. 9548

1 August 1936, which laid down the general object "to
2 secure the position of the Empire on the East Asia
3 continent by dint of diplomatic policy and national
4 defense, mutually dependent on each other, as well
5 as to advance and develop the Empire toward the South
6 Seas."^c Concrete preparations to this end were con-
7 tained in the Five Year Plan of June 1937, copy of
8 which was sent to HIROTA in July 1937, the covering
9 letter stating that it was to be dealt with by the
10 Cabinet Planning Bureau of which he was Chairman.^d
11 While the biography of HIROTA states that he was
12 President of the Planning Board from 10 June 1937
13 to 25 October 1937,^e witness INO stated that in
14 effect he was President of the Bureau of Planning
15 which preceded the Planning Board and was responsible
16 for the political negotiations with those cabinet
17 members who had an objection to the draft plan con-
18 cerning the constitution and competency of the Insur-
19 ance and Sanitation Ministry. His statements as to the
20 limited scope of this Bureau are difficult to recon-
21 cile with the covering letter above-mentioned and
22 are, we submit, untrue. The same Cabinet was also
23 responsible for the policy and laws mobilizing the

24 FF-96. c. Ex. 216, T. 2720

25 d. Ex. 2227, T. 15,980

e. Ex. 108

total national strength dealt with in the General
phase.

THE PRESIDENT: We will adjourn until half-
past nine on Tuesday morning.

(Whereupon, at 1600, an adjourn-
ment was taken until Tuesday, 24 February,
1948, at 0930.)

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